



Crl.O.P.No.9228 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9228 of 2025
and Crl.M.P.No.6128 of 2025

1. K.I.Kavya

2. K.Eswarasamy

... Petitioners

Vs

1. The State Rep. By,
The Inspector of Police
Madathukulam Police Station,
Tiruppur District.
(Crime.No.1343/2020)

2. Mahendran

... Respondent

Prayer : Criminal Original Petition has been filed under Section 528 of BNSS Act, 2023/Section 482 of Cr.P.C., pleaded to call for the records in charge sheet in STC.No.337 of 2021 on the file of the District Munsif Cum Judicial Magistrate Court, Madathukulam and quash the same as against this petitioner.

For Petitioners

: Mr.R.Prabakar

For R1

: Mr.A.Gopinath

Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceeding in STC.No.337 of 2021 on the file of the District Munsif Cum Judicial Magistrate Court, Madathukulam.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent and perused the materials available on record.

3. The case of the prosecution is that the de facto complainant, the Commissioner of Madathukulam Panchayat Union, received three petitions dated 01.12.2020 from individuals namely A. Archana, K. Malathi, and P. Karthik Raja during an inspection. As per the petitions, Archana, employed as a Road Inspector, reported that upon arriving at her office at 10:10 AM, the Engineering Department office was found locked. Similarly, according to the report submitted by Union Supervisor Malathi, the office remained locked as of 11:30 AM. Upon inquiry, the Office Manager stated that the petitioners had allegedly locked the Engineering Section themselves. Further



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investigation revealed that the Engineering Section had been instructed to prepare estimates for certain works approved in the council meeting held on 18.09.2020. However, the estimates were not submitted as required, and the delay is cited as the reason behind the alleged locking of the section. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered FIR in Crime No.1343 of 2020 for the offence punishable under Section 353 of IPC. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance by the Trial Court in STC.No.337 of 2021.

5. The allegation involved as against the petitioner is not at all attracted for the offence under Section 353 of IPC. It is relevant to extract the provisions under Section 353 of IPC as follows:-

“ 353. Assault or criminal force to deter public servant from discharge of his duty — Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to



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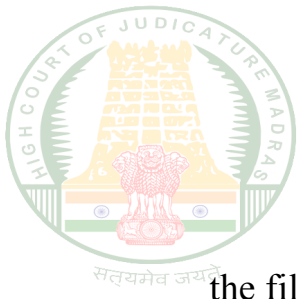
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prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

6. Even assuming that the case of the prosecution is true, it does not disclose any ingredient of assault or use of any criminal force against any person. There is no averment that any person was discharging his duty, such as public servant. Therefore, there is no iota of material available to attract the offence punishable under Section 353 of IPC. It is nothing but a clear abuse of process of law and the impugned proceeding cannot be sustained as against the petitioners.

7. The learned Government Advocate (Crl.side) submitted that now STC.No.337 of 2021 on the file of the District Munsif Cum Judicial Magistrate Court, Madathukulam has been transferred to the file of Special Court for MP/MLA cases, Tiruppur and re-numbered as STC.No.584 of 2025.

8. In view of the above, the proceeding in STC.No.337 of 2021 on



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the file of the District Munsif Cum Judicial Magistrate Court, Madathukulam,
is hereby quashed.

9. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous petition is closed.

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Index: Yes/No
Speaking Order: Yes/No
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G.K.ILANTHIRAIYAN,J.

mn

To

1. The District Munsif Cum Judicial Magistrate Court,
Madathukulam.
2. The Special Court for MP/MLA cases, Tiruppur.
3. The Inspector of Police
Madathukulam Police Station,
Tiruppur District
4. The Public Prosecutor,
High Court, Madras.

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