



Crl.O.P(MD)No.1691 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.1691 of 2025

and

Crl.M.P(MD)Nos.1179 & 1180 of 2025

1. Chezhiyan

2. Latha

3. Velugunaventhana

4. Puthiyavan

5. Chinnadurai

6. Selvaraj

7. Raja @ Antony Arockiyaraj

8. Sathya

9. Velusamy @ Trichy Velusamy

... Petitioners

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Woraiyur Police Station,
Trichy City.
Crime No. 583/2018.

... Respondent



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PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records in C.C No. 134 of 2021 pending before the learned Judicial Magistrate IV, Trichirappalli in connection with Cr. No. 583 of 25018 dated 18.08.2018 for the offences under sections 153, 153A, 153B, 505(1)(b) of IPC r/w 41(A) of Tamil Nadu City Police Act, 1888, on the file of the respondent as against the petitioners as illegal.

For Petitioners : Mr.R.Ganesh Prabhu

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned charge sheet in C.C No. 134 of 2021 pending before the learned Judicial Magistrate IV, Trichirappalli as against the petitioners as illegal.

2.The case of the prosecution is that on 20.06.2018 at about 06.45 p.m, near Uraiyr Panchavarna Swami Kovil Street, a meeting was conducted by the Makkal Adhikaram Association. A1 presided over the



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meeting and the other accused also participated in the meeting as spokespersons. At that time, all the accused had spoken as against the sovereignty of India and promoted enmity between two groups and also made defamatory speech as against the Courts and therefore, the defacto complainant/Senior Revenue Inspector, Collector Office, Trichy, lodged a complaint and an FIR in Crime No.583 of 2018 was registered for the offence under Sections 153, 153A, 153B and 505(1)(b) of IPC r/w 41(A) of Tamil Nadu City Police Act, 1888 and thereafter, the respondent conducted investigation and filed the final report. Based on the final report, the case has been numbered as C.C.No.134 of 2021, before the file of the learned Judicial Magistrate No.IV, Trichirapalli. The said proceedings are now challenged.

3.The learned Counsel for the petitioner would submit that the respondent registered a false case against the petitioners for the offence under Sections 153, 153A, 153B and 505(1)(b) of IPC r/w 41(A) of Tamil Nadu City Police Act, 1888 in Crime No.583 of 2018. As per the prosecution, on 20.06.2018, the defacto complainant was working as a Senior Revenue Inspector at Collector Office, Trichy, who has received information that the petitioners participated in general meeting organized



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by Makkal Athikaram Association. The meeting was held near Panchavarna Swami Kovil Street at Uraiyur. The petitioners 3 to 9 were all guest speakers. The object of the meeting is against Thoothukudi Police firing against the general public for agitating to close the Sterlite industry on 22.05.2018. In the said meeting, all the petitioners had condemned and criticized the police firing as well as the State Government. Therefore, the FIR has been registered as against the petitioners. In fact, no any offences committed by the petitioners and no any offences are made out against them. In order to attract the provision under Section 153, 153A, 153B and 505(a)(b) of IPC, there are no any ingredients to constitute the offence and no materials to constitute the offence as far as Section 41(A) of Tamil Nadu City Police Act, 1888 is concerned. The petitioners have not spoken anything against the Government and they only criticized and condemned the act of the Police in firing in the Thoothukudi incident. Therefore, the respondent without conducting proper investigation, filed the final report and the trial Court also without any *prima facie* material, has taken cognizance of the same. Therefore, the impugned proceedings are liable to be quashed.

4.The learned Government Advocate (Crl.Side) appearing for the



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respondent police would submit that the petitioners have had spoken words against the Government and made speech to promote enmity between two groups and made defamatory speech as against the Courts. Therefore, the defacto complainant/Senior Revenue Inspector, Collector Office, Trichy lodged the complaint. Based on the same, the present FIR has been registered. Thereafter, the respondent conducted elaborate investigation and filed final report as per the investigation, there are *prima facie* material as against the petitioners. Therefore, the trial Court also has taken cognizance. Hence it is a matter for trial and at this stage, the impugned proceedings cannot be quashed as there are materials available against these petitioners.

5. Heard both sides and perused the materials available on record.

6. As per the prosecution case, on 20.06.2018 at about 06.45 p.m, near Uraiyr Panchavarna Swami Kovil Street, Makkal Adhikaram Association have had conducted general meeting and the same was presided over by A1 and the other accused also participated in the meeting as spokespersons. At that time, all the accused had spoken as against the sovereignty of India and promoted enmity between two

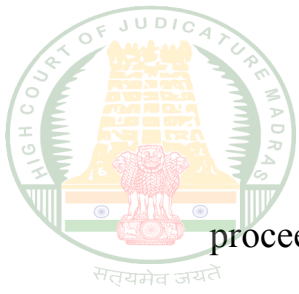


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groups and also made defamatory speech as against the Courts and therefore, the defacto complainant/Senior Revenue Inspector, Collector Office, Trichy lodged a complaint and an FIR in Crime No.583 of 2018 was registered for the offence under Sections 153, 153A, 153B and 505(1)(b) of IPC r/w 41(A) of Tamil Nadu City Police Act, 1888 and thereafter, the respondent conducted investigation and filed the final report. Based on the final report, the case has been numbered as C.C.No. 134 of 2021, before the file of the learned Judicial Magistrate No.IV, Trichirapalli. According to the petitioners, there are no any material to constitute the offence as against them.

7.This Court perused the entire materials.

8.As per the FIR and the charge sheet, there are *prima facie* materials available to constitute the offences against the petitioners. The statement of the witnesses and the documents collected during the investigation by the investigation agency cannot be tested at this stage and it is a matter for trial and during the trial only, voracity of the statements of the witnesses can be tested. At this stage, since as per the final report and the FIR there are *prima facie* materials available to



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proceed with the case as against the petitioners, the prayer sought for cannot be considered and there are serious allegations and thereby, the matter requires elaborate trial and the grounds raised by the petitioners can be taken as defence before the trial Court.

9.As far as the delay in registering the FIR is concerned, that cannot be considered at this stage.

10.At this juncture, the learned Counsel for the petitioners produced the judgment of the Hon'ble Supreme Court in the case of ***Shiv Prasad Semwal Vs. State of Uttarakhand and Others*** and also produced the order of the Principal Bench of this Court in the case of ***C.Ve.Shanmugam, Member of Parliament Vs. State of Tamil Nadu.***

11.On careful perusal of both judgments, this Court is of the view that the above judgments will not be applicable to the present case since in this case there are *prima facie* material to constitute the offences against the petitioners. Therefore, the said judgments are no way helpful to decide the case in favour of the petitioners.



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12.In the result, this Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petitions are closed.

09.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1.The learned Judicial Magistrate IV,
Trichirappalli.

2.The State of Tamil Nadu,
Rep by the Inspector of Police,
Woraiyur Police Station,
Trichy City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

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