

Crl.O.P.(MD)No.3879 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.3879 of 2024

and

Crl.M.P(MD) Nos.3078 and 3080 of 2024

Saravanan

.. Petitioner

Vs.

1. The Inspector of Police
Sivagangai Taluk Police Station
Sivagangai District

2. Selvinprabu
Village Administrative Officer
No.46, Pillur Group
Sivagangai District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned charge sheet in STC No. 469 of 2022 on the file of the learned Judicial Magistrate No.II, Sivagangai and quash the same in so far the petitioner concern.

For Petitioner : M/s.S.Meena

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



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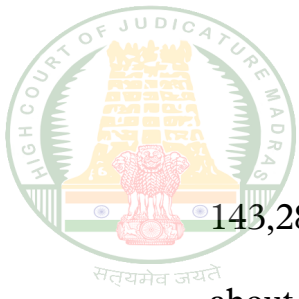
ORDER

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This Criminal Original Petition has been filed to quash the proceedings in STC No.469 of 2022 on the file of the learned Judicial Magistrate No.II, Sivagangai

2. The case of the prosecution is that on 13.11.2021 at about 18.30 hrs the petitioner along with others formed unlawful assembly and made protest by blocking the road near Pillur Kanmai for removal of blocks made in the kanmai without any valid permission. Hence based on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.381 of 2021 for the offences under Section 143,283 and 341 of IPC. Thereafter the first respondent completed investigation and filed final report and the trial Court has also taken cognizance Now the petitioner is challenging the impugned charge sheet.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a false complaint against the petitioner and others and based on the same the first respondent has registered a case in Crime No.381 of 2021 for the offences under Section



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143,283 and 341 of IPC. As per the case of prosecution on 13.11.2024 at about 16.30 hrs the complainant received information that some of the villagers from Pillur attempted to block the water of the lake with sand bags and when the second respondent intervened and to remove the sand bags with the aid of other officials the petitioner along with other accused conducted protest by blocking road, thereby the accused persons caused hindrance also violated covid- 19 protocol. Infact the petitioner and other accused are agriculturist and they are cultivating various kinds of crops in their field using the water supplied from the pillur kanmai . At the relevant point of time they raised paddy in their farms and they required water for the paddy field were supplied from the pillur village kanmai. While so the second respondent announced that they are going open water from the pillur kanmai before the harvest season. Aggrieved over the same, the petitioner and other accused expressed their dissatisfaction by way of conducting protest peacefully without causing any disturbance to the general public. If the second respondent opened the water from pillurkanmai before harvest, the crops of the villagers would be destroyed due to water scarcity. Therefore they conducted protest not to open the kanmai. There are no ingredients to constitute the offence under Sections 143, 283 and 341 of IPC. The first respondent without conducting proper



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investigation filed final report and thereby the pending proceedings are liable to be quashed.

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4. The learned Government Advocate(Crl.side) appearing for the respondents would submit that on 13.11.2021 at about 18.30 hrs the petitioner along with other formed unlawful assembly and made protest by blocking the road near Pillur Kanmai for removal of blocks made in the kanmai without any valid permission. Hence based on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.381 of 2021 for the offences under Section 143,283 and 341 of IPC. There are ingredients to constitute the above said offences. Further they conducted protest by restraining the public from using the public road and thereby they also violated covid- 19 protocol, thereby the matter needs elaborate trial, and hence the petition is liable to be dismissed.

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

6. On perusal of records it is seen that the second respondent wanted to release the water and thereby he tried to remove the sand bags to release the water. The petitioner along with others assembled and made



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protest not to release water on the ground that it would cause damage to the paddy field. According to the prosecution the petitioner and others formed unlawful assembly and caused obstruction to the public by blocking the road and they also wrongfully restrained the public from proceeding in the public road. To attract the provision under Section 143 of IPC the prosecution has to satisfy that the petitioner and others formed unlawful assembly but no materials to prove the unlawful assembly thereby no offence under Section 143 of IPC would attract as against this petitioner.. So far as offence under Section 283 of IPC is concerned, there is no materials that the petitioner had at any act or by omitting to take order with any property in his possession or under his charge, caused danger, obstruction or injury in any person in any public way or public line of navigation..

7. So far as offence under Section 341 of IPC is concerned, there are no materials that this petitioner along with other accused unlawfully restrained anybody and there is no any complaint given by any one of the public and no other materials to show that the accused person obstructed anybody in proceeding in the public road, therefore the pending proceedings are liable to be quashed.



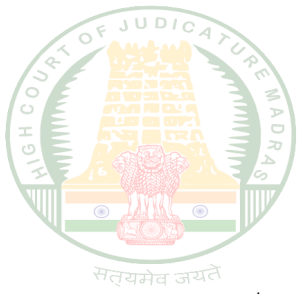
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8. At this juncture, the learned counsel appearing for the petitioners relied on the following judgments:

a) Jeevanantham and others .vs. The Inspector of Police,Velayuthapuram Police Station, Karur District and another reported in 2018-22 L.W.(Crl.)606

b) K.Sathaiya and others .vs. The Inspector of Police, Arimalam Police Station, Pudukottai District in Crl.O.P(MD) No.75 of 2025.

9. On careful perusal of the above said judgments it is clear that when the assembly of persons were expressing dissatisfaction on the governance and claiming for minimum rights that are guaranteed to an ordinary citizen and if such an assembly of persons are to be trifled by registering an FIR under [Section 143](#) of IPC and now equivalent to Section 189(2) of BNS and filing a Final Report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution.



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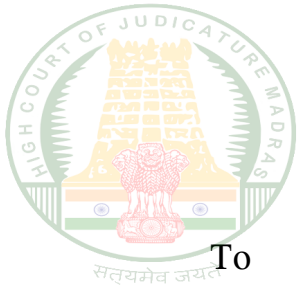
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10. In the case on hand also the petitioners agitated for stoppage of water in a peaceful manner and no any complaint lodged by any public and no any public movement was curtailed. To attract the offence under Section 143, 283 and 341 of IPC there are no any material that this petitioners along with other accused formed unlawful assembly with a common intention to resist the execution of any law or of any legal progress. Further the said protest did not cause any public nuisance to anybody. More over no any complaint lodged by any public in this case and the complainant is the Sub Inspector of Police and there are no ingredients to constitute the offences under Sections 143, 283 and 341 of IPC. In view of the above discussions, this Court is of the opinion that the pending First Information Report is liable to be quashed.

11. Accordingly the Criminal Original Petition stands allowed and the proceedings in STC No.469 of 2022 on the file of the learned Judicial Magistrate No.II, Sivagangai is hereby quashed. Consequently connected miscellaneous petitions stand closed.

28.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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1. The Judicial Magistrate No.II, Sivagangai
2. The Inspector of Police
Thiruverumbur All Women Police Station
Trichy
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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