



CrI.O.P.(MD)No.9999 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9999 of 2025

and

CrI.M.P.(MD)Nos.7373 & 7376 of 2025

Sibikumar

... Petitioner

Vs.

1.The Sub Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
(Crime No.216 of 2024)

2.S.Madheswaran

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the Charge Sheet in S.T.C.No.614 of 2024 for the offence under Sections 189(2), 126(2) and 285 of BNS pending before the learned Judicial Magistrate No.1, Pudukkottai District and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner

: Mr.K.C.Maniyarasu

For R1

: Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)



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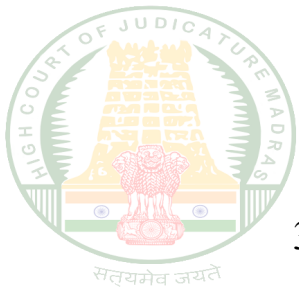


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ORDER

The petitioner is the 6th accused in STC.No.614 of 2024 on the file of the learned Judicial Magistrate No.1, Pudukkottai District, for the offence punishable under Sections 189(2), 126(2) and 285 BNS. He has moved this petition seeking to quash the said proceedings.

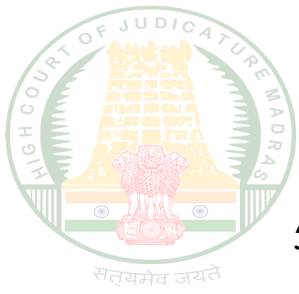
2. The learned counsel appearing for the petitioner submits that the offence under Sections 189(2), 126(2) and 285 BNS would not attract in this case and that there was no unlawful assembly and there was no prevention made by the petitioner. It is only a demonstration made by the petitioner and others, on account of an encounter made by the Police attached to Alankudi Police Station. He further submits that though 40 persons were shown as accused in FIR, the final report came to be filed selectively as against the petitioner and 10 others. It is only a public agitation and therefore, it cannot be treated as offence. Further, there was no complaint from the public that they were affected by the agitation.



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3. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that by supporting a criminal, who has been killed in an encounter, the petitioner along with a mob conducted an agitation in front of the Government Medical College Hospital, Pudukkottai, by blocking the traffic. The patients and the general public, who visited the Government Medical College Hospital, were affected. Apart from that, the traffic in the Highways was also affected for some time. Therefore, a case was registered as against 11 named accused and 29 others. He further submits that the respondent Police was not in a position to find out other persons and therefore, they have confined the final report only as against the petitioner and 10 others, who are all named in the FIR. According to him, the occurrence had taken place in the Highways by preventing the traffic and not even a common man has come forward to lodge a complaint. Hence, the second respondent, who is working as Sub Inspector of Police in the first respondent Police Station, has lodged the complaint.

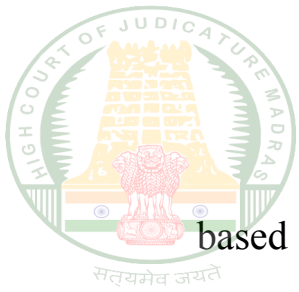
4. This Court has considered the submissions made on either side and perused the records.



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5. The petitioner, an accused in STC No.614 of 2024, has moved this petition to quash the said proceedings on the ground that it was only an agitation on account of an encounter made by the Police and it was not intentionally committed. The learned counsel appearing for the petitioner has also pointed out that the final report has been filed selectively as against the petitioner and 10 others when the FIR reads that 40 persons are involved in that agitation. He also pointed out the case has been filed based on the statement of the police officials and there was no independent eyewitness.

6. The case of the prosecution is that there was an agitation made by the petitioner and others in front of the Government Medical College Hospital, thereby, they have prevented the traffic in the Highways. Admittedly, the petitioner have not obtained any permission to conduct an agitation in front of the Government Medical College Hospital. The only point raised by the petitioner is that there was no independent eyewitness and the final report has been filed only based on the police evidence. According to the learned Government Advocate (Crl. Side), the public, who were present in the place of occurrence, have not come forward to stand as witnesses. Therefore, this case has been registered



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based on the complaint of the Sub Inspector of Police, who was present in the scene of occurrence and also with the statement of the other police officials, who were present in the scene of occurrence. In the event, if the public has not come forward to lodge a complaint and to be an witness, the respondent police are entitled to proceed further with the available materials. The statement of the witnesses, based on which the final report has been filed as against the petitioner, can be tested only during the trial.

7. Therefore, this Court is of the view that the grounds raised by the petitioner can be appreciated only during the trial by finding out the veracity of the statements made by the Police Officials, who are cited as witnesses and therefore, on this ground, this Court is not inclined to quash the proceedings. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court.

8. Since the petitioner has raised an issue that the respondent police has filed the final report only as against the named accused in the FIR, the respondent police is directed to find out other persons who are



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also involved in the said offence and to file an additional final report
before the trial Court. Consequently, connected miscellaneous petitions
are closed.

18.06.2025

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

- 1.The Judicial Magistrate No.1,
Pudukkottai District
- 2.The Sub Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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