



CRL OP(MD). No.16574 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.16574 of 2025

and

Crl.M.P(MD).No.13489 of 2025

1. Jayalakshmi,
2. Paramasivam,
3. Subramanian,
4. Duraiyarasan @ Duraiyaran,
5. Muthusamy,

... Petitioners

Vs

1. The Inspector of Police,,
Valanadu Police Station,
Trichy District.
(Crime No.42 of 2022).

2. Mohammed Saabeer,
S/o.Seik Dawood,

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in S.T.C.No.415/2024 on the file of the Judicial Magistrate, Manapparai, Trichy District and quash the same.



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For Petitioners
For R1

: M.Pitchai Muthu
: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The petitioners seek to quash S.T.C.No.415/2024 on the file of the Judicial Magistrate, Manapparai, Trichy District, for the offences under Sections 143, 188 and 353 IPC.

2. The allegation in the final report is that there was dispute between the petitioners and a rival group, regarding conduct of a temple festival; that both the parties had agreed to conduct the festival in a particular manner; that the petitioners had violated the decision taken in the peace committee meeting and that they had committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that even if there is violation of conditions imposed in the peace committee meeting, none of offences are made out on the allegation; that the respondents have no jurisdiction to register the FIR for the offences under Section 188 of the IPC and to file a final report; that there is nothing in the final report to suggest that the petitioners had assaulted or used criminal force



on the defacto complainant so as to attract the offence under Section 353 IPC.

4. The learned Additional Public Prosecutor would submit that the petitioners had violated the conditions imposed in a Peace Committee Meeting and disobeyed the directions of the authorities to disperse and thus, committed the aforesaid offences.

5. The allegations is that the petitioners violated the decision taken in the Peace Committee Meeting conducted by the respondents. However, the question is whether such violation would attract the offences alleged. It is well settled that for the offences under Section 188 IPC, the respondent police have no jurisdiction to register the FIR and that the Court can take cognizance of the offense only on the complaint given by the public servant concerned, which is not so in this case. Similarly, there is no allegation that the petitioners formed themselves into an unlawful assembly and committed an offence under Section 143 IPC. The petitioners had only assembled to celebrate the temple festival.



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Hence the offence under Section 143 IPC has not been made out.

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6. The final report and the materials filed in support of the final report do not suggest that the petitioners used criminal force or assaulted any public servant so as to prevent them from discharging their public duty. Hence, the offence under Section 353 of the IPC is also not made out.

7. Therefore, this Court is of the view that the impugned prosecution cannot be sustained as none of the offences are made out. Accordingly, impugned proceedings in S.T.C.No.415 of 2024 on the file of the learned Judicial Magistrate, Manapparai, Trichy District is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

16.10.2025

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

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1. Judicial Magistrate,
Manappari,
Trichy District.
2. The Inspector of Police,,
Valanadu Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SUNDER MOHAN,J



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**ORDER
IN
CRL OP(MD) No.16574 of 2025**

Date : 16/10/2025