



Crl.O.P.(MD)No.15297 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15297 of 2025

and

Crl.M.P.(MD).Nos.12433 and 12437 of 2025

- 1.Palanichamy
- 2.Karpooora Chockalingam
- 3.Subbaiah
- 4.Muthulakshmi
- 5.Arumugam
- 6.Ponnal
- 7.Parvathi
- 8.Oiyammal
- 9.Alagi
- 10.Panju
- 11.Ramaiah
- 12.Alagu
- 13.Vairavan
- 14.Chithra
- 15.Pothu @ Pothumponnu



Crl.O.P.(MD)No.15297 of 2025

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16.Vellaiyammal

17.Vimala

18.Tamilselvi @ Tamilarasi

19.Sundharam

20.Vijaya

21.Backiyam

22.Kumar @ Vairamuthu

23.Savithri

24.L.Sundharam

25.Pachamuthu

26.Selvam

27.Devaraj

28.Nallu @ Nalluchammy

... Petitioners/Accused Nos.1-3,
5-8, 10, 13-18, 21-24, 26, 28,
29, 31, 32, 34-36 & 39

Vs.

1.State of Tamil Nadu Rep. by its,
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.79/2013)

... 1st Respondent/Complainant

2.Marimuthu,
Supervisor, TASMACH Shop No.7741,
Piranmalai, Sivagangai District.

... 2nd Respondent/Defacto Complainant



Crl.O.P.(MD)No.15297 of 2025

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to P.R.C.No.7 of 2021 on the file of Learned District Munsif cum Judicial Magistrate Court, Singampunari, Sivagangai District and quash the same as illegal.

For Petitioners : Mr.S.Balamurugan

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in P.R.C.No.7 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District, which was filed for the offences under Section 147, 448, 353, 506(ii) of IPC read with Section 3 of Tamil Nadu Pubic Property (Prevention of Damage and Loss) Act.

2. The allegation in the final report is that the petitioners, along with others, indulged in a protest against opening of TASMAC shop, without valid permission; that they had trespassed into the TASMAC shop and had caused damage to the liquor bottles to the tune of Rs.2180/-; and that they had also threatened the workers in the shop with dire consequences.

3. The learned counsel for the petitioners would submit that it is a case of protest, which is said to have happened in the year 2013; that most of the



Crl.O.P.(MD)No.15297 of 2025

accused are no more; that the first respondent has filed the final report only recently; that the value of the damage caused by the accused has also been deposited; and that the allegations would not constitute the offences alleged. He would rely upon the judgment of this Court in the case of ***Jeevanandham and others vs. State rep. by Inspector of Police and another***, reported in ***2018 SCC OnLine Mad 13698*** in support of his submissions.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that the impugned final report has been filed against several accused, who indulged in an unauthorized protest in front of the TASMAC shop; that they had also caused damage to the liquor bottles to the tune of Rs.2180/-; that though the said amount has been deposited, the offences committed by the petitioners would not get erased; that therefore, the prosecution cannot be quashed for that reason alone; and that the points raised by the learned counsel for the petitioners have to be adjudicated only in trial.

5. Admittedly, the alleged occurrence took place in the year 2013 and the prosecution is as against 41 accused. Most of the accused have filed this quash petition. They had assembled to protest against the opening of a TASMAC shop. The allegations suggest that the petitioners had trespassed into the TASMAC shop and caused damage to the liquor bottles to the tune of



Crl.O.P.(MD)No.15297 of 2025

Rs.2180/-. The intention of the assembly was to protest against the opening of TASMAC shop. Therefore, the assembly as such cannot be said to be an unlawful assembly. However, it is seen that some of the persons trespassed into the TASMAC shop and caused damage to the liquor bottles. It cannot be said that the common object of the group was to cause damage to the shop or to the liquor bottles. Hence, the acts committed by few persons cannot be attributed to the other members of the group. There is no allegation that all of them trespassed into the shop and caused damage. Hence, the assembly cannot be said to be unlawful assembly. Further, there is no allegation of assault or criminal force to deter any public servant from discharging his duty although there is allegation that the second respondent was prevented from performing his duty. In the absence of assault or criminal force, the offence under Section 353 of IPC would not be made out.

6. The impugned final report is also silent as to the nature of threat made by the persons. This Court, in the case of **Noble Mohandass vs. State** reported in **1989 Cri.Lj 669**, had held as follows:

“7. Further for being an offence under Section 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also



Crl.O.P.(MD)No.15297 of 2025

when the person at whom threat is launched does not feel threatened actually.”

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Therefore, what remains are the offences under Section 448 IPC and Section 3 of TNPPDL Act. Admittedly, the petitioners have made good the loss and have deposited a sum of Rs.2180/- to the Exchequer.

7. In view of the above discussion and since the alleged occurrence took place in the year 2013, it would be futile exercise to prosecute the petitioners only for the offence of trespass under Section 448 IPC and Section 3 of TNPPDL Act, especially when the loss has been compensated by the petitioners. Therefore, this Court is of the view that no useful purpose would be served by continuing the prosecution. Accordingly, the impugned final report in P.R.C.No.7 of 2021 in the file of the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District is quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

24.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



Crl.O.P.(MD)No.15297 of 2025

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To

1.The District Munsif cum Judicial Magistrate Court,
Singampunari,
Sivagangai District.

2.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.

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



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Crl.O.P.(MD)No.15297 of 2025

SUNDER MOHAN, J.

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Crl.O.P(MD).No.15297 of 2025

24.09.2025