



Crl.O.P.(MD)No.15585 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD)No.15585 of 2025

and

Crl.M.P(MD)Nos.12671 and 12673 of 2025

- 1.Karuppaiah
- 2.Thangapandi
- 3.Elayaraja
- 4.Kanniraja Sekaran
- 5.Ramalakshmi
- 6.Pushpavalli
- 7.Pandiyammal
- 8.Sathiyabama

... Petitioners/ Accused Nos.1 to 8

Vs.

- 1.The State of Tamilnadu rep. by
The Inspector of Police,
Mandala Manickam Police Station,
Ramanathapuram District,
(Crime No.17/2024)

...1st Respondent/Complainant

- 2.Jegathisan,
Deputy Development Officer,
Kamuthi Union,
Kamuthi Taluk,
Ramanathapuram District.

...2nd Respondent/Defacto
Complainant



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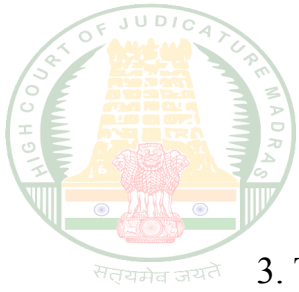
Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in S.T.C.No.685 of 2024 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi and quash the same.

For Petitioner	: Mr.S.Muniyandi
For R1	: Mr.R.M.Anbunithi Additional Public Prosecutor
For R2	: Mr.A.Oliraja Government Advocate

ORDER

The petitioners seek quashing of the impugned final report filed in S.T.C.No.685 of 2024 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, for the alleged offences under Section 143, 341 and 290 of IPC.

2. The allegation in the final report is that the petitioners had encroached upon the Government land and when the authorities went to the said land to remove the encroachment as per the direction of this Court in W.P(MD)No.2629 of 2024, the petitioners prevented the authorities from discharging their duties and thus, committed the aforesaid offences.

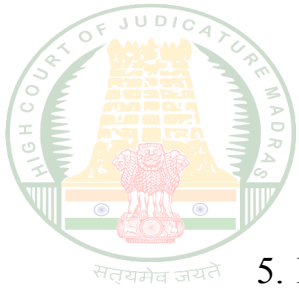


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3. The learned counsel for the petitioners would submit that the petitioners have been residing on the said land for several years; that since the action for removal of the encroachment was taken without notice to them, they only questioned the authorities and did not deter them from performing their public duties; and that they have not committed any offences of rioting or wrongful restraint; and that the allegations even if accepted to be true would not constitute the offences alleged.

4. It is now reported that the encroachments have been removed. When the petitioners were sought to be evicted by the respondents, it appears that there was a commotion which is bound to happen. The petitioners therefore cannot be prosecuted for the same. Apart from vague allegations that the petitioners prevented the respondents from performing their public duties, the allegations do not attract the offences under Section 143, 341, 290 of the IPC. The petitioners cannot be said to have committed the offence of wrongful restraint or rioting. There is no public nuisance. The allegation also do not attract the offence under Section 290 of the IPC. That apart, as said earlier, the petitioners have also been evicted from the land.



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5. In view of the above facts, this Court is of the view that the impugned final report in S.T.C.No.685 of 2024 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi is liable to be quashed and accordingly, quashed. This Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

18.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sn

To

- 1.The learned District Munsif Cum Judicial Magistrate,
Kamuthi.
- 2.The Inspector of Police,
Mandala Manickam Police Station,
Ramanathapuram District,
- 3.Mr.Jegathisan,
Deputy Development Officer,
Kamuthi Union,
Kamuthi Taluk,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Sn

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