



Crl.O.P.(MD)No.19740 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19740 of 2025

and

CRL.MP(MD). Nos.16584 of 2025

Pavunraj

... Petitioner / Accused Rank 3

-Vs-

1.The State of Tamilandu, Rep.
by the Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
(Crime No.45 of 2022).

... 1st Respondent / Complainant

2.S.Suriyakumar,
Village Administrative Officer,
P.Melaiyur Group,
Aruppukottai Taluk,
Virudhunagar District.

... 2nd Respondent / Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., To call for the records pertaining to the impugned charge sheet in S.T.C.No.367 of 2025 on the file of the Judicial Magistrate Court, Aruppukottai, in so far as the petitioner / Accused No.3 is concerned, and quash the same.

For Petitioner : Mr.Vishnu.J

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.367 of 2025 on the file of the Judicial Magistrate Court, Aruppukottai, which was filed for the offences under Section 143, 188 and 353 of IPC.

2. The allegation in the final report is that when the Village Assistant attempted to remove a flag pole erected for a political party by the petitioner, the petitioner prevented the Village Administrative Officer from discharging his duty and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the offence under Section 143 of IPC would not be made out as the petitioner only conducted a peaceful protest. He would rely upon the judgment of this Court in the case of *Jeevanandham and others vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another*, reported in *2018 SCC OnLine Mad 13698* in support of his submissions. Further he would submit that the respondents have no jurisdiction to register a case for the offence under Section 188 of IPC, for which, the public servant has to file a



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private complaint before the concerned Magistrate. Further, even as per the allegation made in the impugned final report, there is no allegation of criminal force of assault and hence, the offence under Section 353 of IPC would not be made out.

4. Heard the learned Additional Public Prosecutor appearing for the first respondent.

5. As regards the offence under Section 143 of the Indian Penal Code, it is seen that the charge sheet does not state as to how the protest by the petitioner attracted the offence of unlawful assembly. A mere protest by a group of people would not amount to unlawful assembly, and hence the offence under Section 143 of the Indian Penal Code is not made out.

6. As regards the offence under Section 188 of the Indian Penal Code the first respondent / police has no jurisdiction to lay a final report for the said offence in view of the bar under Section 195(1)(a)(i) of the Criminal Procedure Code. As per the Section 195(1)(a)(i) of the Criminal Procedure Code, only a public servant can maintain a complaint as no Court shall take cognizance of the offence under Section 188 of IPC except on the complaint of the said



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public servant.

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7. As regards the offence under Section 353 of the Indian Penal Code, this Court finds that there are no allegations in the charge sheet suggesting that the petitioner had assaulted or used any criminal force on any public servant. Hence, the offence under Section 353 of the Indian Penal Code also is not made out.

8. For the above reasons, the act of the petitioner in protesting does not attract any of the offences alleged and hence, the S.T.C.No.367 of 2025 on the file of the Judicial Magistrate Court, Aruppukottai, is quashed.

9. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

11.11.2025

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

Indu/dk



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To

1. The Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
2. S. Suriyakumar,
Village Administrative Officer,
P. Melaiyur Group,
Aruppukottai Taluk,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/dk

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