



Crl.O.P.(MD)No.18061 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.18061 of 2025

and

Crl.M.P.(MD).Nos.14817 & 14818 of 2025

1.N.Murugan

2.P.Sudalaimani

3.P.Arul Muthuraj

4.T.Samuthirakani

5.P.Vaigundamani

... Petitioners/Accused 3 to 7

Vs.

1.State of Tamil Nadu Rep. by,
The Inspector of Police,
Alwarkurichi Police Station,
(Crime No.145 of 2022).

...1st Respondent / Complainant

2.Sudharson,
S/o.Not Known,
Village Administrative Officer (VAO),
Anainthaperumal Nadanoor Village,
Alangulam Taluk,
Tenkasi.

... 2nd Respondent/ Defacto Complainant



Crl.O.P.(MD)No.18061 of 2025

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the charge sheet filed in C.C.No.1328 of 2024 on the file of the Judicial Magistrate, Tenkasi in respect of Crime No.145 of 2022 on the file of the 1st respondent.

For Petitioners : Mr.H.Arumugam
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R-2 : Mr.A.Oli Raja
Government Advocate

ORDER

This Criminal Original Petition is filed to quash the impugned final report in C.C.No.1328 of 2024 on the file of the learned Judicial Magistrate, Tenkasi, which was filed for the offences under Section 143, 283, 294(b), 353 and 506(i) of IPC.

2. The gist of the allegations in the final report is that on information that around 200 persons have assembled in the Village, the defacto complainant/Village Administrative Officer had gone there; that those persons had insisted that fencing in a property have to be removed; that when the defacto complainant had asked them to disperse, the petitioners had abused the



Crl.O.P.(MD)No.18061 of 2025

defacto complainant in filthy language and prevented him from discharging his duty; that they had also threatened him of dire consequences and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the FIR was registered as against 107 persons including the petitioners; that it is the case of the second respondent that all the persons have prevented the second respondent from discharging his duty; that however, the petitioners have now been singled out and sought to be prosecuted; that none of the offences are made out on the allegations; and therefore, the impugned final report is liable to be quashed.

4. Mr.A.Oli Raja, learned Government Advocate, takes notice for the second respondent. He would submit that the allegations in the impugned final report discloses the offences and therefore cannot be quashed.

5. The learned Additional Public Prosecutor appearing for the first respondent reiterated the averments made in the final report and submitted that the points raised by the petitioners cannot be adjudicated in a quash petition and opposed the prayer for quashing of the final report.



Crl.O.P.(MD)No.18061 of 2025

6. As stated earlier, it is the case of the prosecution that 200 persons assembled and demanded removal of a fence over a property; that the petitioners were part of the said group; that inspite of the specific direction by the second respondent, the crowd did not disperse and continued the protest; and that they threatened the defacto complainant of dire consequences besides preventing him from discharging his duty. It is seen that the allegation does not suggest that the petitioners had formed themselves into unlawful assembly and intended to commit any offence. Therefore, by relying upon the observations made by 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***, this Court is of the view that the offence under Section 143 of IPC is not made out.

7. This Court has repeatedly held that in order to attract the offence under Section 294(b) of IPC, the words uttered or the action of the persons must be obscene to the annoyance of others in a public place. There is no such allegation in the impugned final report and hence, the offence under Section 294(b) of IPC would not be made out.



8. The alleged threat made by the petitioners that they would cause harm to the defacto complainant is also not real. 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 when the person at whom threat is launched does not feel threatened actually.”

The above observations of this Court would squarely apply to the facts of the instant case. Hence, the offence under Section 506(1) of IPC is also not made out.

9. As regards the offence under Section 353 of IPC, admittedly, no criminal force or assault was used by the petitioners. The allegation in the final report is that the petitioners obstructed the defacto complainant from performing his duty, which would at best attract the offence under Section 186 of IPC and the first respondent would have no jurisdiction to register or investigate such an offence as it is for the public servant to file a private complaint.



Crl.O.P.(MD)No.18061 of 2025

10. The offence under Section 283 of IPC is also not made out as there is nothing in the final report to suggest that the petitioner intended to cause nuisance to any person much less to the public. Hence, this Court is of the view that the impugned final report is liable to be quashed.

11. Accordingly, the impugned final report in C.C.No.1328 of 2024 on the file of the learned Judicial Magistrate, Tenkasi is quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

18.11.2025

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

To

- 1.The Judicial Magistrate Court,
Tenkasi.
- 2.The Inspector of Police,
Alwarkurichi Police Station.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

6/7



WEB COPY



CrI.O.P.(MD)No.18061 of 2025

SUNDER MOHAN, J.

Lm

CrI.O.P(MD).No.18061 of 2025

18.11.2025