



CRL OP(MD). 19624 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2025

CORAM

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

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and

CrI.MP(MD)No.16428 & 16430 of 2025

1.Muthu  
2.Sivakumar  
3.Irulappan  
4.Manikandan  
5.Ravichandran

... Petitioners

Vs

1. State of Tamil Nadu,,  
Rep. By the Inspector of Police,  
Thirumayam Police Station,  
Pudukkottai District.  
(Crime No.37 of 2024)

2. Jegan

... Respondents

**PRAYER** :- This Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records and quash the proceedings in CC No. 100 of 2024, on the file of the Judicial Magistrate Court, Thirumayam, Pudukkottai Distirct.

For Petitioners : Ms.V.Muthulakshmi

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



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## **ORDER**

The petitioner seeks to quash the impugned final report in C.C. No.100 of 2024, on the file of the learned Judicial Magistrate, Thirumayam, Pudukkottai District, which was filed for the offences under Sections 147 and 353 of IPC.

2. The allegation in the final report is that in violation of the order issued by the Assistant Commissioner of the Hindu Religious and Charitable Endowments Department, on 08.03.2024, the petitioners carried milk in a pot to the temple and prevented the public servants from discharging their duty and thus, committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the allegations do not disclose the offences under Sections 147 and 353 of IPC and therefore, the impugned prosecution is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the respondent police, *per contra*, would submit that there was a violation of



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the order prohibiting the carrying of a milk pot into the temple; that the petitioners also abused the public servants in filthy language and therefore the impugned prosecution cannot be quashed .

5. Unless there is force or violence used by the unlawful assembly, the petitioners cannot be prosecuted for the aforesaid offences. In the impugned final report, there is no such allegation that force or violence was used by the unlawful assembly. The allegation at best suggests that there is a violation of the order issued by the authorities and the public servants were prevented from discharging their duties. Therefore, the violation would at best only attract the offences under Sections 186 and 188 of IPC. For the said offence, it is for the concerned public servant to file a private complaint as per Section 195 of the Cr.P.C

6. In view of the above, this Criminal Original Petition is allowed and the impugned final report in C.C.No.100 of 2024, on the file of the learned Judicial Magistrate, Thirumayam, Pudukkottai Distirct, is quashed. Consequently, connected miscellaneous petitions are closed.



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**11.11.2025**

NCC :Yes/No

Index :Yes/No

Internet :Yes/No

CP/ars

TO

1. The Inspector of Police,  
Thirumayam Police Station,  
Pudukkottai District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SUNDER MOHAN, J.**

CP/ars

ORDER IN  
CRL OP(MD) No. 19624 of 2025

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