



Crl.O.P.(MD)No.20988 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20988 of 2025

and

Crl.M.P.(MD).Nos.17893 and 17895 of 2025

Mangalanathan

... Petitioner/Accused No.6

Vs.

1.The State of Tamil Nadu Rep. by its,
The Sub Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
Crime No.194/2022

... 1st Respondent/Complainant

2.Ramapandian
Sub Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in C.C.No.307 of 2025 on the file of the learned Judicial Magistrate, Mudukulathur, in connection with Crime No.194 of 2022 on the file of the respondent police and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.L.Prabakaran

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition is filed to quash the impugned final report in C.C.No.307 of 2025 on the file of the learned Judicial Magistrate, Mudukulathur, which was filed for the offences under Section 147, 279, 291 and 353 of IPC.

2. The gist of the allegations in the final report is that during celebration of a festival, the petitioner along with other accused had travelled in two wheelers in a rash and negligent manner; that though the respondent Police intercepted the vehicles of the petitioner and the other accused, they had not stopped the vehicles and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner had participated in a function; that there is no allegation that the petitioner had used criminal force or assaulted the respondent Police; that the allegation at best attracts the offence under Section 186 of IPC for obstructing the public servant in discharge of his duty; that no independent witnesses have been examined to show that the petitioner had caused nuisance; and that the offence under Section 147 of IPC would not be made out as there is nothing to



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suggest that the petitioner along with others formed themselves into unlawful assembly to commit an offence.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent reiterated the allegations in the final report and stated that the petitioner had prevented the police officials from discharging their duty and committed the aforesaid offences.

5. Admittedly, the petitioner was travelling in vehicles while celebrating a festival. There is no allegation that the petitioner or the other accused had used criminal force or assault even according to the prosecution. Hence, the offence under Section 353 of IPC would not be made out. There is no allegation that the petitioner along with other accused formed themselves into unlawful assembly only to commit an offence. Hence, the offence under Section 147 of IPC would not be made out. The only allegation is that the petitioner and the other accused had not stopped the two wheelers though the first respondent had attempted to stop the vehicles. This Court is of the view that the allegations at best attract the offence under Section 186 of IPC, for which, the public servant has to file a private complaint. No independent witnesses have been examined by the first respondent to show that any nuisance had been caused by the petitioner. Therefore, this Court is of the view that the impugned prosecution is



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an abuse of process of law and liable to be quashed. Accordingly, the impugned final report in C.C.No.307 of 2025 on the file of the learned Judicial Magistrate, Mudukulathur is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

25.11.2025

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

To

- 1.The Judicial Magistrate Court,
Mudukulathur.
- 2.The Sub Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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