



Crl.OP(MD)No.22104 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22104 of 2025

and

Crl.M.P.(MD).Nos.19026 and 19027 of 2025

Kathiresan

... Petitioner / Accused No.9

Vs.

1.The State of Tamil Nadu,
Rep . by The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
Crime No.368/2022

2.Nepolian

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the Impugned in Charge Sheet S.T.C.No.1379 of 2023 on the file of the learned Judicial Magistrate No.II, Karur, and quash the same as illegal as the petitioners is concerned.



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For Petitioner : Mr.S.Gokulraj

For R-1 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Preface:

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure invoking the inherent powers of this Court, seeking to quash the impugned charge sheet in S.T.C. No.1379 of 2023 on the file of the Judicial Magistrate No.II, Karur, arising out of Crime No.368 of 2022, registered for the alleged offences under Sections 143, 283 and 285 of the Indian Penal Code.

2. The petitioner contends that the continuation of the criminal proceedings is nothing but an abuse of the process of law and that the materials relied upon by the prosecution, even if taken at face value, do not disclose the commission of any offence as against the petitioner.



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Case of the prosecution:

3. The case of the prosecution is that on 15.11.2020, the second respondent, along with his subordinates, while on patrolling duty near Malaiveethi Roundana Kodumudi Road, received information that the petitioner, along with eight others, had assembled and demonstrated against the increase in milk rates.

4. It is further alleged that the said group obstructed the patrolling party, burst crackers, and created disturbance to the public at large. Based on the said allegation, a First Information Report came to be registered in Crime No.368 of 2022 for the offences under Sections 143, 283 and 285 IPC.

5. Upon completion of investigation, the first respondent police laid the final report, which was taken on file as S.T.C. No.1379 of 2023 by the learned Judicial Magistrate No.II, Karur.

Grounds for quash:

6. The petitioner challenges the impugned proceedings primarily on the ground that the allegations are false, frivolous and



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vexatious and that he has been roped in without any specific overt act.

7. It is the specific case of the petitioner that he had not actively participated in the alleged demonstration and that the protest, if any, was peaceful in nature.

8. It is further contended that though the prosecution alleges bursting of crackers, the observation mahazar does not disclose the presence of any combustible material at the scene, which is an essential ingredient for attracting Section 285 IPC.

9. According to the petitioner, there is absolutely no material to show that he caused any danger, obstruction or inconvenience to the public so as to attract Section 283 IPC.

Submissions:

10. The learned counsel appearing for the petitioner reiterated that the impugned charge sheet does not disclose the essential



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ingredients of the offences alleged and that permitting the prosecution to continue would result in grave miscarriage of justice.

11. The learned counsel further submitted that the learned Magistrate failed to apply judicial mind while taking cognizance of the final report and that the prosecution has been launched mechanically.

12. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondents submitted that the allegations in the charge sheet disclose commission of cognizable offences and that the truth or otherwise of the allegations can be decided only during trial.

13. It was contended by the prosecution that the petitioner was part of an unlawful assembly and therefore the proceedings ought not to be quashed at the threshold.

14. Heard the learned counsels on either side and carefully perused the materials available on record.



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Point for consideration:

15. The point that arises for consideration is whether the materials placed on record in S.T.C. No.1379 of 2023, even if accepted in entirety, disclose the commission of offences under Sections 143, 283 and 285 IPC as against the petitioner, and whether the continuation of the criminal proceedings would amount to an abuse of the process of Court?

Analysis:

16. This Court is conscious of the well-settled principle that the inherent power under Section 482 Cr.P.C., 1973, has to be exercised sparingly and with circumspection. However, where the allegations in the charge sheet do not constitute any offence, this Court would be justified in invoking its inherent jurisdiction to prevent abuse of process of law.

17. In the case on hand, a careful perusal of the final report and the accompanying materials reveals that no specific overt act has been attributed to the petitioner.



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18. As regards the offence under Section 285 IPC, the allegation relates to bursting of crackers during the protest. However, the observation mahazar does not indicate the presence of any combustible or inflammable substance, which is a *sine qua non* for attracting the said provision.

19. Similarly, for constituting an offence under Section 283 IPC, there must be cogent material to show that the accused caused obstruction, danger or inconvenience to the public way. In the present case, no such material is forthcoming.

20. The offence under Section 143 IPC presupposes the existence of an unlawful assembly with a common object. Except for a bald allegation, there is no material to establish that the petitioner shared any unlawful common object or actively participated in the alleged acts.



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21. At this juncture, it is apposite to refer to the celebrated judgment of the Hon'ble Supreme Court in ***State of Haryana and others vs. Bhajan Lal and others***¹, wherein the categories of cases fit for quashing have been enumerated. One such category is where the allegations, even if taken at face value, do not *prima facie* constitute any offence.

22. Applying the said principles to the facts of the present case, this Court is of the considered view that the continuation of the criminal proceedings against the petitioner would serve no useful purpose and would only subject him to unnecessary hardship.

23. In view of the foregoing discussion, this Court finds that the impugned prosecution in S.T.C. No.1379 of 2023 on the file of the Judicial Magistrate No.II, Karur, is an abuse of the process of law.

24. Accordingly, this Criminal Original Petition is allowed, and the proceedings in S.T.C. No.1379 of 2023, arising out of Crime No. 368 of 2022, pending on the file of the Judicial Magistrate No.II,

¹ 1992 Supp (1) SCC 335



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Karur, are quashed insofar as the petitioner is concerned.

Consequently, connected miscellaneous petitions, if any, stand closed.

03.12.2025

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

To

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



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L.VICTORIA GOWRI, J.

Sml

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