



Crl.O.P.(MD)No.22831 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22831 of 2024

and

Crl.M.P(MD)Nos.14305 & 14306 of 2024

1.R.V.Chelladurai

2.Paul Durai

3.Chelladurai

4.Chellasamy

5.Narayanan

6.M.Chendrasekar

7.Ramar

8.Neelamegam

9.Kalankaraiyan

10.Gopal

11.Arumugam @ Arumugathammal

12.Masanam

13.Sanmugavel



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Crl.O.P.(MD)No.22831 of 2024

14.Palpandi @ Palpandi Yadav

.. Petitioners /
Accused 1 to 14

Vs.

1.The State represented by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(FIR No.178 of 2024)

.. Respondent/
Complainant

2.Rabeeba Mariam

.. Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records relating to C.C.No.436 of 2024 on the file of the
learned Judicial Magistrate No.V, Tirunelveli and quash the same as
against the petitioners are concerned.

For Petitioners : Mr.M.Karthikeya Venkitachalapathy
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor for R.1

ORDER

This Criminal Original Petition has been filed seeking to quash the
case in C.C.No.436 of 2024 on the file of the learned Judicial Magistrate
No.V, Tirunelveli, as against this petitioners.



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2. The petitioners A1 to A14 in C.C.No.436 of 2024 facing trial for the offences under Sections 147, 143, 283 and 290 of IPC has filed this quash application.

3. The case against the petitioners is that the defacto complainant / Sub Inspector of Police on 06.03.2024 at about 10.30 a.m along with Police party were on patrolling duty. When they were near Alavanthan Village, Pallikottai Junction bus stand, the petitioners herein along 98 persons had assembled there without any permission raised protest voice against the Government and obstructed the movement of the vehicle and public. Hence, the present case has been registered.

4. On conclusion of investigation charge sheet has been filed against 5 witnesses.

5. The contention of the petitioners is that the petitioners who are local residents were exercising their democratic right to demand proper supply of water to their village. Earlier they gave a representation from the Village Administrative Officer to the Collector but no action has been taken. The villagers are starving for water and hence to highlight their



grievance and to show their protest they had assembled on the sides of the roads near bus stand and raised slogans which have obstructed the movements of public and public transport.

6. In this case, 5 witnesses were listed. They are all police personals and no public had lodged complaint and no investigation has been done. Since the petitioners have raised slogans against the officials for their inaction and to deter their further protest, the case has been registered.

7. In this case, most of the petitioners are senior citizens and they do not have any antecedents. Further the learned counsel for the petitioners submitted that there is no prohibitory orders or no public complaint. Hence, the petitioners prayed for quashing.

8. The learned Additional Public Prosecutor submitted that the Sub-Inspector of Police attached to the Police on patrol duty along with team found that the petitioners and others around 98 persons unlawfully assembled in front of the public bus stand raised slogans against the Government and further they also obstructed the movement of public and the public transport. Despite the Police party asking them to disburse they



Crl.O.P.(MD)No.22831 of 2024

failed to do so. After giving sufficient warning the case has been registered. He fairly submitted that it was a demonstration by the villagers seeking water.

9. Considering the submissions, it is seen that villagers of Manur had assembled demanding supply of water which is very much essential for their survival. The entire village had assembled to show their protest and the in action of the officials. Earlier it is seen that villagers had made representation from the Village Administrative Officer to the District Collector, no action has been taken. Showing protest and raising their voice will not automatically become an unlawful assembly or passing any deter or creating any public nuisance. Admittedly, in this case no public had lodged complaint with regard to obstruction of their movement and vehicle movement.

10. The facts of this case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018**. Accordingly, the proceedings in Crime No.458 of 2024 on the file of the respondent police is hereby



Crl.O.P.(MD)No.22831 of 2024

quashed and the Criminal Original Petition is allowed. Consequently,
connected miscellaneous petitions are closed.

03.01.2025

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

To

- 1.The Judicial Magistrate No.V,
Tirunelveli.
- 2.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22831 of 2024

M.NIRMAL KUMAR,J.

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Crl.O.P.(MD)No.22831 of 2024

03.01.2025