



Crl.O.P.Nos.2874, 7042 & 5580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2874, 7042 & 5580 of 2023 and
Crl.MP.Nos.1674, 4400 & 3538 of 2023

Crl.OP.No.2874 of 2023

1.SHANMUGAM
2.CHAKARAVARTHY
3.ARUMUGAM @ MOTTAIYAN ... Petitioners
Vs.

1.THE STATE REP BY ITS,
THE INSPECTOR OF POLICE, BARUR POLICE STATION,
KRISHNAGIRI DISTRICT.

2.VASANTHA KOKILAM ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the entire records pursuant to the Charge Sheet in STC.No.4 of 2022 on the file of the Judicial Magistrate Pochampalli and to quash the same on the petitioner alone by allowing this criminal original petition.

For Petitioners : Mr.M.Vignesh

For Respondents

For R1 : Mr.L.Baskaran,
Government Advocate(crl.side)

For R2 : No appearance

Crl.OP.No.7042 of 2023

1.Govindasamy

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2.Perumal
3.Arumugam
4.Parthiban
5.Sudhakar

... Petitioners

Vs.

1.THE STATE REP BY ITS,
THE INSPECTOR OF POLICE, BARUR POLICE STATION,
KRISHNAGIRI DISTRICT.
(STC.No.4 of 2022)

2.VASANTHA KOKILAM

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the entire records pursuant to the Charge Sheet in
STC.No.4 of 2022 on the file of the Judicial Magistrate Pochampalli and
to quash the same.

For Petitioners : Mr.M.Vignesh

For Respondents

For R1 : Mr.L.Baskaran,
Government Advocate(crl.side)

For R2 : No appearance

Crl.OP.No.5580 of 2023

1.Malar
2.Palaniyammal
3.Kasturi
4.N.Saroja

... Petitioners

Vs.

1.THE STATE REP BY ITS,
THE INSPECTOR OF POLICE, BARUR POLICE STATION,
KRISHNAGIRI DISTRICT.

2.VASANTHA KOKILAM

... Respondents



Crl.O.P.Nos.2874, 7042 & 5580 of 2023

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the entire records pursuant to the Charge Sheet in STC.No.4 of 2022 on the file of the Judicial Magistrate Pochampalli and to quash the same on the petitioner alone by allowing this criminal original petition.

For Petitioners : Mr.M.Vignesh

For Respondents

For R1 : Mr.L.Baskaran,
Government Advocate(crl.side)

For R2 : No appearance

COMMON ORDER

These criminal original petitions have been filed to quash the proceedings in STC.No.4 of 2022 on the file of the Judicial Magistrate Pochampalli

2. The case of the prosecution is that the accused trespassed into the property of the second respondent and abused her with filthy languages and also threatened with dire consequences. They also damaged the fencing worth about Rs.2,000/-. On receipt of the said complaint, the first respondent registered FIR in crime No.478 of 2020 for the offences punishable under Sections 147, 148, 294(b), 427, 441, 506(i) of IPC. After completion of investigation, final report was filed and the same was taken cognizance by the trial court for the charges



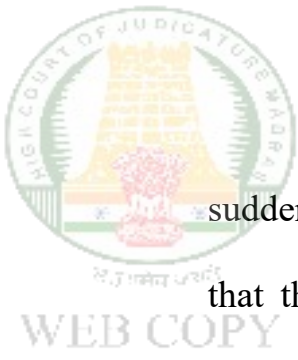
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under Sections 147, 148, 294(b), 427, 441, 506(i) of IPC.

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3. Though the second respondent received notice, no one appeared before this Court either by party or through pleader.

4. Admittedly all the accused persons are same family members and their labourers. It is seen from the records that there are property boundary dispute between both the families. While being so, even according to the case of the prosecution, all the accused persons trespassed the land and scolded her with filthy languages. All the allegations are trivial in nature. That apart, in order to attract the offence under Section 147 of IPC, whenever force or violence is used by an unlawful assembly or by any member thereof, every member of such assembly is guilty. Further where whoever is guilty of rioting, being armed with a deadly weapon, they are punishable under Section 148 of IPC. The unlawful assembly is defined under Section 141 of IPC and any member of such unlawful assembly is punishable under Section 143 of IPC. If the object of the assembly is not unlawful, the act cannot attract the provisions under Section 141 of IPC. So any person forming such assembly cannot be convicted under Section 143, nor can be continued either under Section 147 or Section 149 of IPC. Further, when there is a



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sudden unpremeditated free fight between two groups, it is generally held that the members of such groups cannot be stated to have formed an unlawful assembly. Further, the common object has to be inferred from the facts and circumstances of the case. In the case on hand, all the accused persons are the very same family members and also labourers who are working under the family members in their land. Therefore, offence under Sections 147 & 148 of IPC itself would not attract as against the accused. Therefore, mere presence in an unlawful assembly, cannot render a person liable unless there was a common object and the accused was actuated by the common object and that object is one of those set out in the provisions under Section 141 of IPC. The common object of the persons composing that assembly is as follows:

- (i) Overawe the government or public servants by criminal force.
- (ii) Resist the execution of any law or legal process.
- (iii) Commit any mischief, criminal trespass, or other offense.
- (iv) Obtain possession of property by force or,
- (v) Illegally compel a person to do an act they are not legally bound to do.



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5. Further, no one was injured in this case and they only threatened the second respondent with dire consequences. Therefore, the entire impugned proceedings cannot be sustained and the same is liable to be quashed. Accordingly, the entire proceedings in STC.No.4 of 2022 on the file of the Judicial Magistrate, Pochampalli is quashed and all the criminal original petitions stand allowed. Consequently, connected miscellaneous petitions are closed.

06.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1.Judicial Magistrate Pochampalli

2.THE STATE REP BY ITS,
THE INSPECTOR OF POLICE, BARUR POLICE STATION,
KRISHNAGIRI DISTRICT



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G.K.ILANTHIRAIYAN, J.

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