



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 3436 of 2026 & Crl.M.P.Nos.2395 and 2434 of 2026

- 1.Sundarapandiyam
- 2.Maikandan
(Juvenile at the time registering FIR)
- 3.Sudhakar
(Juvenile at the time registering FIR)
- 4.Manimaran
- 5.Kathiravan
- 6.Neelamegam
- 7.Kaviyarasu
- 8.Sivaramalingam
- 9.Renganathan
- 10.Kubendhiran
- 11.Mutharasan
- 12.Thamizhazhagan
- 13.Govindhan
- 14.Thillai
- 15.Selvakumar
- 16.Kannan
- 17.Raji
- 18.Pari
- 19.Kuralazhagan
- 20.Leelavinodhan
- 21.Manikandan
- 22.Gopinath

..Petitioner(s)

Vs

The Inspector of Police,
Srimushnam PS,
Cuddalore.

..Respondent(s)

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in respect of the impugned S.C.No.83 of 2025, dated 27.05.2016 on the file of the Court of III Additional District and Sessions Judge, Virudhachalam and consequentially quash the same.



For Petitioners

Mr. J. Ramesh

For Respondent

Mr.K.M.D.Muhilan
Additional Public Prosecutor**ORDER**

The present criminal original petition has been filed to quash the proceedings in S.C.No.83 of 2025 on the file of the Court of III Additional District and Sessions Judge, Virudhachalam.

2. The case of the prosecution as per for the informant, who is the Sub Inspector of Police, is that he was on bandobust duty on 04.05.2016 for election campaign conducted by Thol Thirumavalavan. At 8.15 p.m. on that day, when Thol Thirumavalavan was doing election campaign near Sigamani House within the jurisdiction of Kattumannarkovil Constituency, a mob gathered and protested against the candidate announced by VCK party, raised slogans expressing their anguish against their leader and pelted stones causing damage to the windscreen of the police patrol vehicle bearing Regn. No. TN 31 G 0639 (Tata Sumo Victor) and the damage was assessed at Rs.5,300/-. The mob prevented the police from taking action and also abused them.

3. Hence, based on a complaint given by the Sub Inspector of Police, Srimushnam P.S., an FIR was registered by the respondent police in Cr.No.64 of 2016 against 33 persons for offences under Sections 147, 341, 294(b) and



353 of IPC and Section 3 of the TNPPDL Act and after completion of investigation, a final report was filed against 33 persons (out of whom, two are children in conflict with law) for the aforesaid offences before the Judicial Magistrate Court No.II, Vriddhachalam, which was taken on file and later committed to the Court of Session, Cuddalore District and made over to the Court of the III Additional District and Sessions Judge, Vriddhachalam, for trial. Challenging the said proceedings, this criminal original petition has been filed by 22 accused.

4. Learned counsel appearing for the petitioners would submit that except a vague and omnibus allegation that a mob created a ruckus and caused damage to the windscreen of the police vehicle, there is no specific allegation as against the petitioners for having assaulted the police and general public; there is no independent witness other than police and Revenue officials; the petitioners belong to poor stratum of the society and they are agricultural labours and due to pendency of the case from the year 2016, they are unable to get along with the normal life; further, the petitioners 2 and 3 were children in conflict with law at the time of registration of the FIR and the respondent has filed the final report against them also; though the petitioners, without prejudice to their case, were ready to deposit an amount of Rs.5,300/- to the credit of the Police Department, the respondent police was not accepting the same; hence, the impugned proceedings is liable to be quashed.



5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners belong to the same political party, viz., VCK, and though they got agitated against the announcement of candidate, none was injured in the incident. He would further submit that the petitioners have caused damage to the police vehicle which is assessed at Rs.5,300/- and the case in S.C.No.83 of 2025 has been taken up for trial.

6. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent police and perused the entire materials available on record.

7. Having perused the materials available on record, this Court finds that there is nothing on record to make out the cases alleged against the petitioners. In other words, there is no material to substantiate the allegations levelled against the petitioners. Further, that the petitioners 2 and 3 were children in conflict with law during the relevant point of time was not controverted by the respondent. That apart, there is an inordinate delay between the date of registration of the FIR and the culminating charge sheet. To be precise, the delay is well nigh nine years and in this regard, there is no explanation also forthcoming from the learned Additional Public Prosecutor. The Supreme Court, in its recent judgment in **Robert Lalchungunga**



Chongthu @ R.L. Chongthu vs. State of Bihar 2025 SCC OnLine SC 2511,

has observed that in the event of there being a large gap between the filing of FIR and the culminating charge sheet, the Court is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.

8. Further, in **Manik Taneja vs. State of Karnataka (2015) 7 SCC 423**, while dealing with the offence under Section 353 IPC, the Supreme Court has held that the person accused of the said offence should have assaulted the public servant or used criminal force with the intention to prevent or deter the public servant from discharging his duty as such public servant. The relevant portion of the said judgment reads thus:

“10.:

“353. Assault or criminal force to deter public servant from discharge of his duty.—Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

A reading of the above provision shows that the essential ingredients of the offence under Section 353 IPC are that the person accused of the offence should have assaulted the public servant or used criminal force with the intention to prevent or deter the public servant from discharging his duty as such public servant. By perusing the materials available on record, it appears that no force was used by the appellants to commit such an offence. There is absolutely nothing on record to show that the appellants either assaulted the respondents or used criminal force to prevent the second respondent from discharging his official duty. Taking the uncontroverted allegations, in our view, the ingredients of the offence under Section 353 IPC are not made out.”

(emphasis supplied by this Court)



In the case on hand as well, there is nothing on record to suggest that the petitioners either assaulted the police personnel or used criminal force to prevent them from discharging their duty.

9. Since the ratios laid down in **Robert Lalchungunga Chongthu @ R.L. Chongthu**, *supra*, and **Manik Taneja**, *supra*, are applicable to the instant case on all fours and also considering that the chance of conviction in cases like this being bleak given the fact that the alleged incident occurred almost nine years ago, this Court is of the considered view that continuation of the proceedings in S.C.No.83 of 2025 on the file of the III Additional District and Sessions Court, Virudhachalam, is an exercise in futility and hence, the same is liable to be quashed.

10. *Ergo*, the proceedings in S.C.No.83 of 2025 on the file of the III Additional District and Sessions Court, Virudhachalam, is quashed in its entirety *i.e.*, including the other accused also. However, since the petitioners are inclined to make good the loss caused to the State, they shall jointly take a demand draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) in favour of the Superintendent of Police, Cuddalore, towards the alleged damage caused to the police patrol vehicle. Connected miscellaneous petitions are closed.

19-02-2026

dsn/cad



To

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1. The III Additional District and Sessions Judge,
Virudhachalam.
2. The Inspector of Police,
Srimushnam PS,
Cuddalore.
3. The Superintendent of Police,
Cuddalore.
- 4 The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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