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CrI.O.P.No.4286 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2026

CORAM:

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

CrI.O.P.No.4286 of 2026
and CrI.M.P.Nos.2990 & 2991 of 2026

1. Chozan
(Wrongly mentioned as Shozan in FIR)
2. Viji @ Vijayan
3. Perumal
4. Thirumal M
5. Boobalan
(Wrongly mentioned as Poobalan in FIR)
6. Manikandan E
(Wrongly mentioned as Manigandan in FIR)
7. Durairaj ... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai District.
(Crime No.317 of 2023)
2. Sadhasivam ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records pertaining to the impugned charge sheet filed in C.C.No.258



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of 2023 on the file of the Judicial Magistrate Court, Cheyyar and quash the same as against the petitioners concerned.

For Petitioners : Mr.Henry Tiphangne
For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.258 of 2023 pending on the file of the Judicial Magistrate Court, Cheyyar.

2. The case of the prosecution is that on 28.08.2023, the petitioners and others trespassed into the property of the de facto complainant, abused him and criminally intimidated him for consenting to the acquisition of his land for the SIPCOT project. It is further alleged that the accused insisted the de facto complainant to join them in the protest against the acquisition of agricultural land for the said project. Consequently, a case in Crime No.317 of 2023 was registered by the respondent Police for the offences under Sections 147, 341, 294(b) & 506(I) IPC. After completion of investigation, the final report was filed before the Judicial Magistrate Court, Cheyyar for the offences under Sections 147, 341, 294(b), 506(I) & 447 IPC and the learned Magistrate took cognizance



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of the same and numbered it as C.C.No.258 of 2023, which is now sought to be quashed.

3. Learned counsel appearing for the petitioners submitted that other than participating in the protest against the acquisition of agricultural land for the SIPCOT project, the petitioners have not committed any offence. He further submitted that even taking into consideration the entire averments in the charge sheet at their face value, the ingredients of the alleged offences cannot be made out against the petitioners. He also submitted that except for general and omnibus allegations that the petitioners have raised slogans, there is no other material to suggest that the petitioners either intimidated the de facto complainant or trespassed into his property. He further submitted that this Court, on the very same set of allegations, has already quashed the proceedings in respect of the co-accused in Crl.O.P.No.3212 of 2024, vide order dated 09.04.2025. Hence, he prayed to quash the proceedings pending against the petitioners.

4. In support of his contention, the learned counsel for the petitioner relied on the judgment passed by the Hon'ble Apex Court in **State of Haryana and others Vs. Bhajan Lal and Others** reported in **1992 Supp (1) Supreme Court Cases 335**.



5. Learned Government Advocate (Criminal Side) appearing for the respondent police endorsed the aforesaid submission of the learned counsel for the petitioners that the proceedings against the similarly placed co-accused has been quashed by this Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. It is to be noted that while exercising the power under Section 482, the Court should be slow. At the same time, if the Court finds that from the entire materials collected by the prosecution, taken as a whole, would not constitute any offence, in such situation, directing the parties to undergo ordeal of trial will be a futile exercise and it will infringe the right of the persons. In this regard, the Apex Court, in the oft-quoted and celebrated judgment in **Bhajan Lal**, *supra*, has, by way of an illustration, given the circumstances under which the powers under Section 482 Cr.P.C., can be exercised and the same read as under:

“(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;



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(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.'

8. For the offence punishable under Section 147 of IPC, this

Court has to see whether the accused indulged in any act of rioting. In this
5/9



connection, it is relevant to note the definition of “rioting”. Section 146 of

WEB CTRM IPC defines the term “rioting” as under:-

“Rioting — Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.”

9. It is also relevant to note the definition of “Unlawful Assembly”. Section 141 of IPC defines the term “Unlawful Assembly” as under:-

“Unlawful Assembly- An assembly of five or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is -

(i) to overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or

(ii) to resist the execution of any law, or of any legal process; or

(iii) to commit any mischief or criminal trespass, or other offence; or

(iv) by means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a



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right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

(v) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.”

10. In the case on hand, the accused have not indulged in any act of violence or any unlawful activity. Only when the assembly falls within any of the above circumstances, it could be construed as “unlawful”. The materials collected by the prosecution do not show that the accused had used any criminal force, to commit mischief, crime or any offence or by way of criminal force attempted to take possession of any property or right to use of incorporeal right which is in possession or enjoyment of others.

11. Further, in respect of the similarly placed co-accused, this Court, vide order dated 09.04.2025, in Crl.O.P.No.3212 of 2024, has quashed the impugned proceedings. Therefore, in view of the above, no useful purpose would be served by keeping the proceedings pending against the petitioners and the same is liable to be quashed.



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12. In view of the above, the proceedings in C.C.No.258 of 2023, on the file of the Judicial Magistrate Court, Cheyyar, is hereby quashed in its entirety. Accordingly, the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

20.02.2026

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate,
Cheyyar.
2. The Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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