



Crl. O.P.(MD) No.4655 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**Crl.O.P.(MD) No.4655 of 2026
and
Crl.M.P.(MD).Nos.4950 & 4952 of 2026**

M.Mohamed Harish Mahdar
S/o.Mohamed Sithik

... Petitioner/Accused No.34

Vs

1. The State rep. by the
Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
(In Crime No.33/2024).

2. Ramkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records relating to the charge sheet in S.T.C.No.5 of 2026 on the file of District Munsif cum Judicial Magistrate Court, Kariapatti and to quash the same as illegal insofar as the petitioner and pass such further or other orders.

For petitioner : Mr.A.Sheik Abdulla
for
M/s.Ajmal Associates

For Respondent No.1: Mr.Albert James
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in S.T.C. No.5 of 2026 on the file of the District Munsif-cum-Judicial Magistrate, Kariapatti, arising out of Crime No. 33 of 2024 on the file of the first respondent police station.

2. A perusal of the charge sheet reveals that totally there are 172 accused persons, out of which the petitioner is arrayed as Accused No.34. As per the allegations in the charge sheet, the petitioner and others have been charged with offences punishable under Sections 143 and 341 of the IPC.

3. The allegations in the charge sheet reveal that on 24.02.2024, the petitioner and other officials belonging to the Rural Development Department assembled and staged a protest in front of Town Panchayat Office, Mallanginaru, seeking revocation of the suspension of two employees, who were working in the Town Panchayat Office. The first respondent police asked them to disperse from the spot, but they did not disperse; hence, they were charged with the present offence.



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4. According to the petitioner, no specific overtact has been alleged against him. He further points out that the ingredients of Section 341 of the IPC have not been made out. However, the learned Government Advocate appearing for the first respondent submits that several witnesses have spoken about the petitioner's participation in the alleged protest.

5. Heard both sides and perused the materials available on record.

6. As far as Section 143 of the IPC is concerned, the petitioner, along with 171 government officials had assembled to protest against the suspension of two other officials. The petitioner and the other officials were undertaking a peaceful protest and gathering in order to submit a request letter to the District Collector or the concerned Minister, seeking their attention to redress their grievances, and such an assembly cannot be considered to be an unlawful assembly.

7. There is no allegation whatsoever in either the FIR or the charge sheet that they caused wrongful restraint of any official. Therefore, Section 341 of IPC is not attracted.



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8. In such view of the matter, the offences under Sections 143 and 341 of the IPC have not been made out, and the continuation of the trial in S.T.C. No. 5 of 2026 on the file of the District Munsif-cum-Judicial Magistrate Court, Kariapatti, would cause prejudice to the petitioner.

9. In view thereof, this Criminal Original Petition is allowed, the impugned charge sheet in S.T.C. No. 5 of 2026 on the file of the District Munsif-cum-Judicial Magistrate Court, Kariapatti, is quashed insofar as the petitioner alone is concerned. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
gyn

02.03.2026

Note :
Issue order copy on 03.03.2026



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To

1. The District Munsif cum Judicial Magistrate Court,
Kariapatti
2. The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai



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R.VIJAYAKUMAR, J.

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