



Crl.O.P(MD)No.5365 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.5365 of 2024

and

Crl.M.P(MD)Nos.4192 & 4193 of 2024

Chokkanathan

... Petitioner/Accused

Vs.

**1.The State of Tamil Nadu,
Rep.by Inspector of Police,
Budalur Police Station,
Thanjavur.
(Crime No.459/2022)**

... Respondent/Complainant

2.R.Ramachandran

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in C.C.No.275 of 2023 dated 13.09.2023 on the file of the Learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District and quash the same as against the petitioner herein.

For Petitioner : Mr.S.Sylvester Raj



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For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

For R2 : No Appearance

ORDER

Seeking quashment of the final report in C.C.No.275 of 2023 dated 13.09.2023 on the file of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, this criminal original petition is filed.

2. The learned counsel for the petitioner submitted that the petitioner is a sole accused in the pending trial in C.C.No.275 of 2023. On the complaint lodged by the 2nd respondent who is the Revenue Tahsildar of Budalur Taluk, which was lodged on 23.09.2021, F.I.R in Crime No.459 of 2022 came to be registered after a period of one year on 29.09.2022 for the offences under Section 341 and 353 IPC against the petitioner. After investigation, the same culminated in laying charge sheet in C.C.No.275 of 2023 for the said offences.

3. The case of the prosecution is that on 16.09.2021, at about 10.00 a.m., after issuing notice to the petitioner as well as one



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Vetriselvan on the application of Vetriselvan, the Village Administrative Officer, Taluk surveyor, Revenue Inspector and Deputy Revenue Inspector had proceeded to the survey the land comprised in Survey No.588/102, 588/1P1, Co-operative Colony, Budalur Taluk, Thanjavur District for the purpose of conducting survey. However, the petitioner had waylaid the officers and prevented them from conducting survey, following which not being able to proceed with the official duties, the Tahsildar had given a complaint to the 1st respondent police on 23.09.2021 for the alleged offence on 16.09.2021. The glance of the final report itself would make it clear that the offences under Sections 341 and 353 IPC would not be made out and there is no specific overt act as against the petitioner, the allegations are vague and sought for quashment of the final report.

4. Per contra, the learned Government Advocate(Crl.Side) drew my attention to the 161 (3) Cr.P.C statement given by the Tahsildar, who had clearly stated the role of the petitioner, who had prevented them from proceeding into the said survey in the land comprised in



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Survey Nos.588/102, 588/1P1 for the purpose of discharging their official duty. The petitioner had successfully deterred the public servants from conducting survey in the aforesaid land and hence, offences are clearly made out and sought for dismissal of the criminal original petition. All the other officials who had assisted the Revenue Inspector for survey have also given their statements under Section 161 (3) Cr.P.C.

5. Heard the learned counsels on either side and carefully perused the materials available on record.

6. A careful reading of the charge sheet would make it clear that the petitioner had waylaid and obstructed the *defacto* complainant and others, thereby preventing them to proceed with the survey in Survey Nos.588/102, 588/1P1. Hence, this Court is of the considered view that the offence under Section 341 IPC is clearly made out. However, as far as the offence under Section 353 IPC is concerned, the same is with



respect to assault or criminal force to deter public servant from discharge of his public duty. Section 353 IPC is extracted as follows :

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.

7. There is no allegation as against the petitioner that he had assaulted any of the officers. Hence, the question of assault will not arise. As far as whether the petitioner used criminal force to deter the public servant from discharge of duty, it is necessary to understand what a criminal force is. Section 350 IPC defines “criminal force” and the same is **extracted as follows.:**

“350. Criminal force.—



Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other."

8. For the purpose of understanding criminal force, it is necessary to understand what "force" means. Section 349 IPC defines "force" and the same is extracted hereunder :

349. Force.—

A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described. (First)— By his own bodily power. (Secondly)— By disposing any substance in such a manner



that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person. (Thirdly)— By inducing any animal to move, to change its motion, or to cease to move.

9. A person is said to use force to another if he causes motion, change of motion, or cessation of motion. However, the charge sheet is not clear as to whether the act of the petitioner had either stopped or changed the motion or caused any motion or ceased the motion of the officers in entering into the land which was intended to survey by them.

10. Accordingly, I am of the view that the offence under Section 353 IPC will not be made out and the same has to be necessarily quashed. As far as Section 341 IPC is concerned, deterring or obstructing any of the official, he had obstructed the person from entering into the land where he was supposed to conduct a survey on the application of Vetriselvan. The scope and ambit of the inherent powers of this Court is well settled. The powers under Section 482 Cr.P.C are to be exercised sparingly with circumspection and the rarest of rare cases to prevent the abuse of process of Court or to secure the



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ends of justice. In the instant case, obviously this Court finds that the offence under Section 353 of IPC is not made out. However, at the stage of considering this petition for quashment of final report, this Court is required to examine only when the allegations as made out in the charge sheet and the materials accompanying in *prima facie* disclose the commission of any offence. This Court cannot embark upon a meticulous appreciation of evidence or adjudicate upon the veracity of the allegations. No doubt the glance of the final report would make it clear that the offence under Section 341 IPC is clearly made out. The offence under Section 353 IPC is quashed.

11. In view of the above, this Criminal Original Petition is partly allowed. Consequently, connected Miscellaneous Petitions are closed.

29.01.2026

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

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- To
- 1.The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.
 - 2.The Inspector of Police,
Budalur Police Station,
Thanjavur.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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