



Crl.O.P.(MD)No.9609 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.06.2026

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.9609 of 2023

and

Crl.M.P(MD) No.7721 of 2023

1. Thamotharan
2. Raveendran
3. Chelladurai
- 4.Chandrasekar
5. Balamurugan
- 6.Sankarasathasivam @ Babu
7. Karuppasamy Thevar

.. Petitioners

Vs.

1.The Inspector of Police
Ilathur Police Station,
Tenkasi District

2.Mohamed Niyas
Village Administrative Officer
Kodikuruchi Village,
Kadaiyanallur Taluk
Tenkasi District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the First Information Report in Crime No. 34 of 2023 dated 24.03.2023 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.S.Velrajan

For R-1 : Mr.N.Balasubrmanian

Counsel for the State of Tamil Nadu (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 34 of 2023 dated 24.03.2023 on the file of the first respondent police.

2. The case of the prosecution is that on 24.03.2023 at about 21.30 hours the Village Administrative Officer of Kodikurichi Village namely Mohamed Niyaz has lodged a complaint stating that Kadayanallur Nainarnagaram vilage people are conducting temple festival of Sastha kovil situated at Anuman river bed and the Additional District Munsif Court,Tenkasi already passed order to conduct festival with all the villagers by receiving tax(vari) without affecting law and order issue. Whiles0, without following the above said order the accused persons leaving some villagers conducted procession in Tenkasi- Kollam National Highways by blocking the road therefore there will be chances for creating law and order issue thereby lodged complaint. Based on the said complaint the first respondent registered a case in Crime No.34 of 2023 for the offences under Sections 143,188,341 and 291 of IPC against eight persons and the case is under investigation. While so these petitioner have filed this petition to quash the proceedings.



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3. The learned counsel appearing for the petitioners would submit that the defacto complainant has no locus standi to lodge the complaint on the ground that civil case is pending. The defacto complainant is not a party to the civil proceedings and for the civil matter criminal case cannot be registered and if any order of the Court is violated they have to take action in accordance with law as per Order 39 Rule 2(A) of C.P.C., Even as per the First Information Report there are no offences made out and the petitioners have not committed any offences and thereby the pending First Information Report is nothing but abuse of process of law and the same is liable to be quashed and the present petition is to be allowed.

4.The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the Village Administrative Officer of Kodikurichi Village a case has been registered in Crime No.34 of 2023 for the offences under Sections 143,188,341 and 291 of IPC and by disobeying the orders of the Court they conducted festival and conducted procession in the public road by blocking the road, thereby they committed serious offence and now the case is under investigation and at this stage the petition is liable to be dismissed.



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

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6. In this case the defacto complainant is the Village Administrative Officer . The allegation against the petitioners is that there is a dispute between two groups in respect of conducting festival of the Sastha temple thereby a case has been registered and further Civil suit is pending in O.S.No.29 of 2023 and in the pending suit IANo.2 of 2023 has been filed and injunction order has been passed. As per the order of the Court all the villagers have to conduct festival without leaving any particular person, however these petitioners by leaving other villagers conducted festival and thereby lodged complaint. Admittedly the petitioner is not a party to the above said civil proceedings and there is no any order of the civil court enclosed along with the complaint. Even if an order has been breached by the petitioners the affected party has a right to take action in accordance with law as per Order 39 Rule 2(A) of CPC. Even as per the First Information Report there are no averments to constitute offences.

7. So far as offence under Section 143 of IPC is concerned there is no material that the petitioner formed unlawful assembly. So far as offence under Section 188 of IPC is concerned there is no any order of



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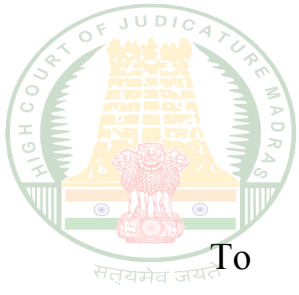
promulgation by the competent authority and the same has been breached and so far as offence under Section 341 of IPC is concerned there is no allegations that the petitioners wrongfully restrained some body. So far as offence under Section 291 of IPC is concerned there are no materials that these petitions repeated or continued a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, thereby there are no materials to constitute the offences under Sections 143, 188, 341 and 291 of IPC and without any materials the first respondent has registered a case and therefore the First Information Report is nothing but abuse of process of law and the same is liable to be quashed.

8. In view of the same, the Criminal Original Petition stands allowed and the pending First Information Report in Crime No. 34 of 2023 dated 24.03.2023 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petition stands closed.

18.06.2026

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

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1.The Inspector of Police
Ilathur Police Station,
Tenkasi District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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