

IN THE COURT OF JUDICIAL MAGISTRATE NO.I, DHARMAPURI

Present : Thiru. A.Tamilarasu, L.L.M.,
Judicial Magistrate No. I,
Dharmapuri

Monday, the 30th day of June, 2025

(திருவள்ளூர் ஆண்டு விசுவாச 2024 - ஆனி - 2ம் நாள் - திங்கட்கிழமை)

S.T.C.No. 157 of 2024

(CNR No. TNDP-04-001679-2024)

The Inspector of Police,
Krishnapuram Police Station,
Cr.No. 68/2018 u/s. 143, 341, 188 IPC

....Complainant

-Vs.-

1. Dr. Prabu Rajasekar, 34/25,
S/o. Manoharan,
C. Mottupatty Village,
D. Thuringipatty Post,
Dharmapuri District.
2. Manoharan, aged 65/25,
S/o. Kuppusamy,
C. Mottupatty Village,
D. Thuringipatty Post,
Dharmapuri District.
3. Kumaresan, aged 34/25,
S/o. Rajalingam,
Vanniyakulam Village,
Krishnapuram Post,
Dharmapuri District.
4. Madhaiyan, aged 65/25,
S/o. Sennappan,
C. Mottupatty Village,
Pulithikarai Post,
Dharmapuri District.
5. Lakshmanan, aged 57/25,
S/o. Nagappa Gounder,
Krishnapuram Village & Post,
Dharmapuri Taluk & District
6. Durai, aged 45/25,
S/o. Thangavel,

- Krishnapuram Village & Post,
Dharmapuri Taluk & District
7. Madhaiyan, aged 37/25,
S/o. Duraisamy,
C. Mottupatty Village,
D. Thuringipatty Post,
Dharmapuri District.
 8. Kalikannu, aged 52/25,
S/o. Mani,
D. Thuringipatty Post,
Dharmapuri District.
 9. Nagendran, aged 61/25,
S/o. Govindasamy,
Vaguthupatty Village,
Krishnapuram Post,
Dharmapuri Taluk & District.
 10. Murugan, aged 62/25,
S/o. Senrayan,
Krishnapuram village,
Dharmapuri District.
 11. Krishnamurthi, aged 61/25,
S/o. Ponnusamy,
Lalithanur village,
D. Thuringipatty Post,
Dharmapuri Taluk & District.
 12. Chennappan, aged 58/25,
S/o. Mariyappan,
C. Mottupatty Village,
Pulithikarai Post,
Dharmapuri District.
 13. Siva, aged 49/25,
S/o. Kutty,
C. Mottupatty Village,
D. Thuringipatty Post,
Dharmapuri District.
 14. Palani, aged 70/25,
S/o. Govindasamy,
Anna Nagar village,
Krishnapuram Post,
Dharmapuri Taluk & District.
 15. Paswaraj, aged 60/25,

- S/o. Perumal,
C. Mottupatty Village,
Pulithikarai Post,
Dharmapuri District.
16. Kumaran, aged 35/25,
S/o. Kaliayappan,
Pulithikarai Post,
Dharmapuri Talu & District
17. Murugan, aged 45/25,
S/o. Thangavel,
Krishnapuram Village & Post,
Dharmapuri Talu & District.
18. Madhu, aged 53/25,
S/o. Chennappan,
C. Mottupatty Village,
Pulithikarai Post,
Dharmapuri District.
19. Kamalesan, aged 74/25,
S/o. Pachiyappa Gounder,
Nunagottiur Village,
D. Thuringipatt Post,
Dharmapuri Taluk & District.
20. Sekar, aged 61/25,
S/o. Nanjagounder,
M. Oddapatty village,
Mookanur Post,
Dharmapuri Taluk & District.

...Accused A1 to A20

This case came up for hearing before me on 30.06.2025 in the presence of Mr. R. Sivam; Mr. N. Pachiyappan (MS 1931/2010), Counsel for Accused A1 to A20 and Mrs. R. P. Vanitha, Assistant Public Prosecutor Grade – I, that after perusing the documents filed and upon hearing the submission of both sides, this Court passes the following

ORDER

1. The case of prosecution is that on 24.05.2018 at about 15.10 hrs, Accused A1 to A20 abovenamed belonging to Dravida Munnetra Kazhagam

(DMK) had staged protest at Ariyaulam Bus stop, Dharmapuri to Thirupathur road over arrest of M.K. Stalin who protested against hurling of gunfire at public who demanded closure of Sterlite Industry at Tuticorin. That said protest was carried out without any intimation to police and thereby violated Section 32 of police act. The case of prosecution is that Accused wrongly restrained the public movement and had willfully disobeyed the order promulgated by the public servant u/s. 30(2) of Police Act. Hence charged for offence u/s. 341, 143, 188 IPC.

2. On perusal, one Mr. K. Sekar, Sub-Inspector, Krishnapuram PS had preferred the Complaint and Mr. N. Ravi Kumar, Inspector of Police, Krishnapuram P.S took the case for investigation. Though the order was promulgated by Public Servant, u/s. 30(2) of District Police Act, a complaint as defined in Section 2(d) of Cr.P.C was not filed. As held in ***Jeevanandham v. State, rep. by IOP, Velayuthampalayam, Karur – 2019 (1) MLJ (Crl) 36; Crl.O.P (MD) No. 1356 of 2018 dated 20.09.2018***, Section 195 Cr.P.C carves out an exception and no court shall take cognizance of certain offence, unless the stipulation under Section 195 Cr.P.C is satisfied.
3. Even Section 30(2) of Police Act is only regulatory in nature and it is not a blanket power to trifle any democratic dissent of the citizens. This court in the light of settled position considers that legislative intent behind such provision had been that an individual should not face criminal prosecution instituted upon insufficient grounds by persons activated by malice, ill-will or frivolity of disposition and to save time of criminal courts being wasted by endless prosecution.
4. Such that, this Court considers that present complaint is without jurisdiction since complaint not filed by Public servant whose order was willfully disobeyed. Even otherwise, a mere violation of the so called

promulgation u/s. 30(2) of Police Act will not make out an offence u/s. 143 IPC by straightaway declaring an assembly of persons to be an unlawful assembly.

In the result, this Court hereby stoppage of further proceedings against A1 to A20 abovenamed which shall have the effect of discharge since principal witnesses have not been examined against the charge for offence u/s. 341, 143, 188 IPC as per Section 258 Cr.P.C in the interest of justice.

Dictated by me to Steno-typist in laptop, verified by me to be correct, pronounced by me in open Court on 30th day of June, 2025

Judicial Magistrate No.I
Dharmapuri