



Crl.O.P.(MD).No.5399 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 13.10.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.5399 of 2021

and

Crl.MP(MD)No.3120 of 2021

Prabhakaran

... Petitioner/ Accused No.8

Vs.

1.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.348 of 2012

... 1st Respondent/complainant

2.Guruvaya,
Constable No.1921,
Amed Reserve Police,
Theni, Theni District.

... 2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records in Crime No.348 of 2012 dated 10.09.2012, on the file of the 1st Respondent and quash the same as illegal.

For Petitioner : Mr.V.Rajiv Rufus

For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking quashment of Crime No. 348 of 2012 dated 10.09.2012 on the file of the first Respondent.



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2. The case of the prosecution is that the petitioner and other accused along with unnammed accused said to have unlawfully assembled with deadly weapons in the main road and raised slogans of “don't open Kudankulam Plan, don't fill the Uranium, and let us demolish the atomic plant” and blocked the road by throwing stones and wooden logs. Further, they said to have caused undue nuisance to the public and transportation services and scolded the Police officials with filthy language and caused damage to the police vehicle bearing Registration No.TN 60 G 0127 by using stones and wooden logs worth about Rs. 76,200/- and stole the body protector, bamboo shield, helmet, worth about Rs. 10,000/-. Hence, the second respondent gave a complaint. On the basis of the complaint given by the second respondent, the first respondent Police registered a case in Crime No.348 of 2012, for the offence under Sections 147, 148, 353, 431, 121(A), 124(A), 395, 307 of IPC r/w 149 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Destruction and Loss) Act, 1992 dated 10.09.2012. To quash the same, the present petition has been filed.



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3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the State on instructions, submitted that the investigation was completed and final report was also filed before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, and the same was taken on file in P.R.C.No.54 of 2023.

4. In the said circumstances, this Court is inclined to dispose of this Criminal Original Petition with liberty to the petitioner to raise all the points before the learned trial Judge.

5. Since this case is pending from 2012 onwards, this criminal Original petition is disposed of with the following directions:

1. The petitioner is directed to appear before the trial Court on 15.02.2024.
2. The learned learned Judicial Magistrate, Radhapuram, Tirunelveli District, is directed to complete the proceedings in P.R.C.No.54 of 2023 within a period of two weeks from 15.02.2024.
3. The learned trial Judicial Magistrate, Radhapuram, is hereby directed to commit the case to the learned Principal Sessions Judge, Tirunelveli,



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on or before 22.02.2024.

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4. The learned Principal Sessions Judge, Tirunelveli, is hereby further directed to take the case on file and dispose the same within a period of 3 months from 22.02.2024.
5. The petitioner is directed to raise all the points before the trial Court.

Consequently, the connected miscellaneous petition is closed.

13.10.2023

Internet: Yes

Index: Yes/No

Speaking order/Non-Speaking order

dss



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To

- 1.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 2.Guruvaya,
Constable No.1921,
Amed Reserve Police,
Theni, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.,

dss

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and
CrLMP(MD)No.3120 of 2021

13.10.2023