

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.2611 of 2016

and Cr1.M.P.Nos.1367 and 1368 of 2016

1.Siva Prakash
2.Pandiyan @ Sendhura Pandian

... Petitioners/Accused 1 and 4

Vs.

State rep. by
The Station House Officer
D.Nagar police station
Puducherry.
Crime No.137 of 2012

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records in STC No.1062 of 2015 on the file of the learned Judicial Magistrate No.I, Puducherry and quash the same.

For Petitioners :Mr.I.Paul Noble Devakumar

For Respondent :Mr.V.Balamurugane
Additional Public Prosecutor
(Puducherry)

O R D E R

This petition is filed for quashing the proceedings in STC No.1062 of 2015 on the file of the learned Judicial Magistrate No.I, Puducherry.

2.The learned counsel for the petitioners submits that the petitioners, who are arrayed as accused 1 and 4, are students and they belong to S.C. Community. It is alleged that nearly 100 students of Adidraavidar community gathered in front of Adidraavidar Welfare Department, Thattanchavady, Puducherry, demanding the release of their scholarship amount. Hence, the case has been registered in Crime No.137 of 2012 for the

offences punishable under Sections 143, 341, 294, 506(i) read with 149 IPC. He further submits that the petitioners are nothing to do with the alleged offences and they have been falsely implicated in this case. Therefore, the petitioners have come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that averment in the complaint itself clearly shows that the ingredients of the said offences have been made out. Therefore, he prays for dismissal of this petition.

4.Heard both sides and perused the typed set of papers.

5.A perusal of F.I.R. reveals that even though some of the accused names find place, no specific overt act has been mentioned against them. It is pertinent to note that the students are entitled to their scholarship amount, since they belong to Adidraavidar community. As it was not released within the time stipulated and there was a delay, the students with a view to draw the attention of the Government, conducted the road roko. In such circumstances, if the proceedings in S.T.C.No.1062 of 2015 will continue, it will affect the future of the students, who fight for their scholarship amount. Merely because the petitioners are students and they are well known to the police, their names have been mentioned.

6.Considering the aforestated facts and circumstances of the case, I am of the view, ingredients of the offences under Sections 143, 341, 294, 506(i) read with 149 IPC have not been made out and that this Court is inclined to quash the proceedings in S.T.C.No.1062 of 2015. Accordingly, the proceedings in STC No.1062 of 2015 on the file of the learned Judicial Magistrate No.I, Puducherry, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I, Puducherry.

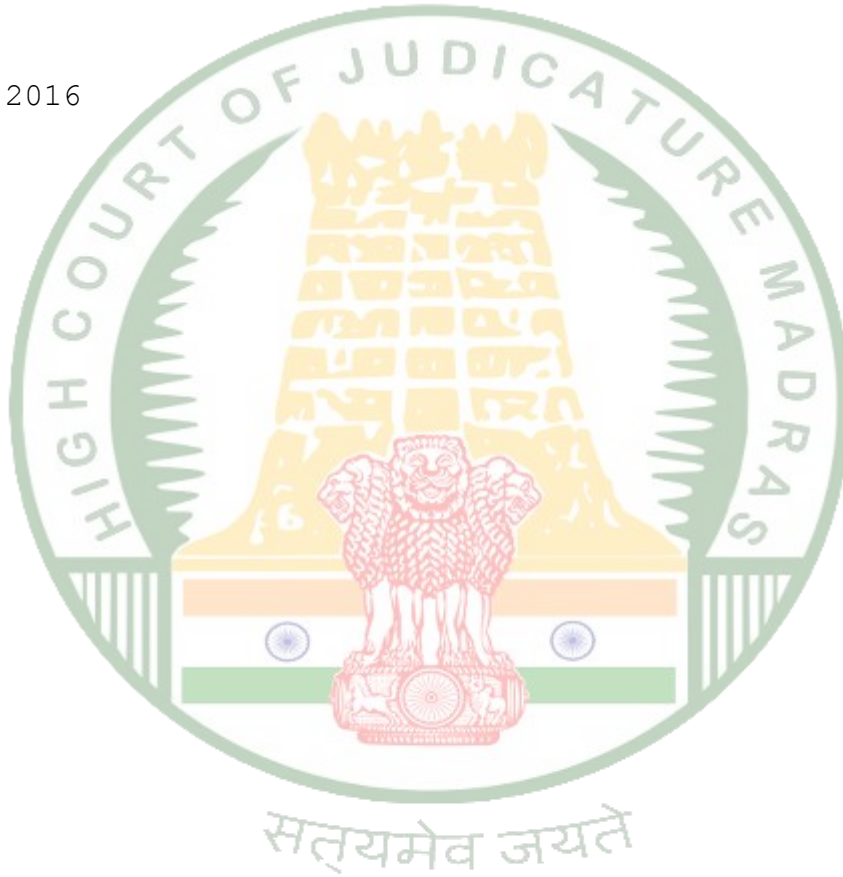
2.The Station House Officer
D.Nagar police station
Puducherry.

3.The Public Prosecutor, High Court, Puducherry.

+1 cc to M/s.I.Paul Noble Devakumar, Advocate, sr.18063

CrI.O.P.No.2611 of 2016
and CrI.M.P.Nos.1367 and 1368 of 2016
2/2

ad co
kra 04.04.2016



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