

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2016

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.28972 of 2013

and

M.P.No.1 of 2013

A.Mariappan

.. Petitioner

Vs.

The State rep. by
the Inspector of Police,
Krishnagiri Town Police Station
Krishnagiri - 635 001.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482
Cr.P.C to call for the records in Crime No.770 of 2013 on the
file of the Inspector of Police, Krishnagiri Town Police
Station, Krishnagiri and quash the same.

For Petitioner : Mr.S.Prabhakaran,
Senior Court for
Mr.Ma.Gowthaman

For Respondent : Mr.C.Emalias,
Additional public prosecutor

ORDER

The present Criminal Original Petition has been filed to
call for the records in Crime No.770 of 2013 on the file of the
Inspector of Police, Krishnagiri Town Police Station,
Krishnagiri and quash the same.

2.The brief facts of the case are that one C.Vetrivel, who
is the Village Administrative Officer, Boganapalli has lodged a
complaint on 18.10.2013 to the respondent stating that without
prior permission, there was a thandora (Tom Tom) on 18.10.2013
at about 5.00pm against the Government, informing the general
public that there would be a protest of blocking the road near
Kattu Anjaneyar Temple for the reason that representations sent
by the petitioner, who claims to be the President of Krishnagiri

Nagar Val Makkal Nala Sangam, requesting to clear drainage stagnated in the burial ground situated in S.No.181, and remove the illegal occupation of the same by some third parties, have not been considered by the Government officials concerned. Based on the same, a case in Crime No.770 of 2013 was registered against the petitioner for the alleged offence punishable under Section 151 Cr.P.C r/w Section 7 (1)(a) C.L. Act. Pending investigation, the petitioner is before this Court to quash the same.

3.Learned senior counsel appearing for the petitioner submitted that the petitioner is a practicing Advocate and is working in the interest of general public. According to him, no such incident took place as alleged in the complaint. Learned senior counsel further submitted that finding no response on the representations sent by him, the petitioner has filed a civil suit in O.S.No.536 of 2011 before the District Munsif Court, Krishnagiri, against the appropriate Government authorities, seeking mandatory injunction and also permanent injunction from allowing/passing the drainage water or dumping the garbage/dust into the burial ground and the same is pending.

4.Learned Additional Public Prosecutor for the respondent, on instructions, submitted that it was only a small agitation for clearing the burial ground in question and there was no injury caused to any one as well as no damage to the public property. Learned Additional Public Prosecutor further submitted that there is no positive instructions with regard to proceed with the investigation of the case in Crime No.770/2013. The said submissions are recorded.

5.Considering the facts and circumstances of the case and also taking note of the submissions made on either side, this Court is of the view that there is no point in keeping the criminal case registered against the petitioner as pending.

6. Accordingly, this Criminal Original Petition is allowed and the case in Crime No.770 of 2013 on the file of the respondent police is quashed. Consequently, connected Miscellaneous Petition is closed.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rk

To

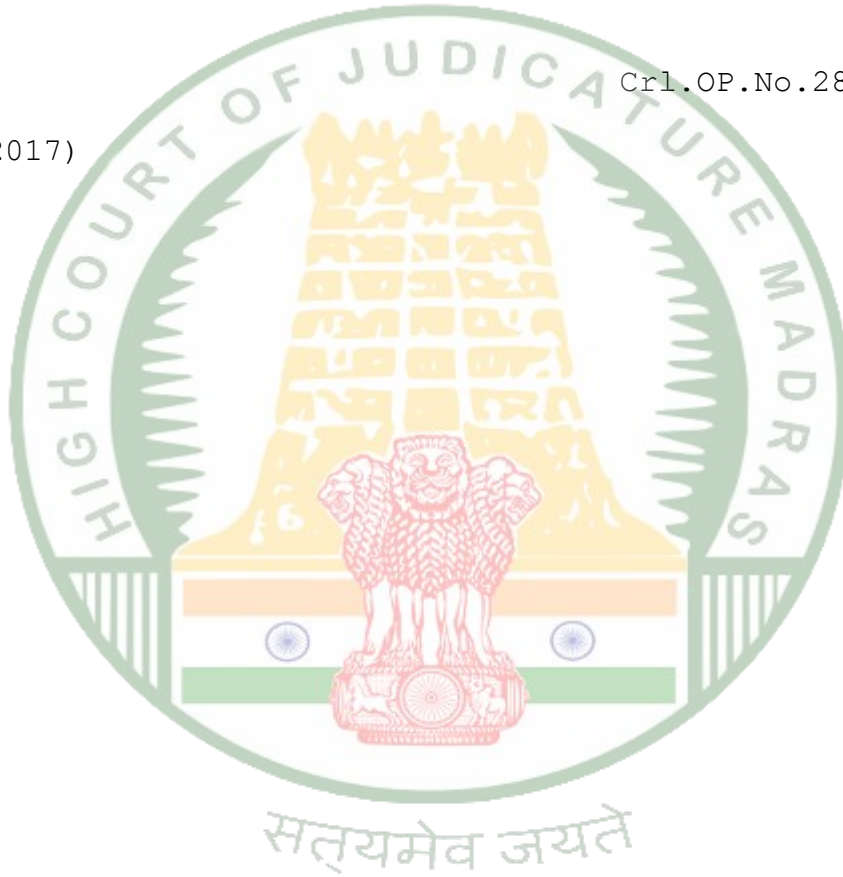
1.The Inspector of Police,
Krishnagiri Town Police Station
Krishnagiri - 635 001.

2.The Public Prosecutor, High Court, Madras-104.

+lcc to Mr.MA.Gowthaman, Advocate, SR.No.76349.

RSK(CO)
GN(31/01/2017)

Crl.OP.No.28972 of 2013



WEB COPY