

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.19209 of 2012

and

M.P.No.1 of 2012

1. Mariappan
2. Kumaraselvam
3. Krishnan
4. S.G.Mariappan
5. Arul
6. Gowaran
7. Murugan

..Petitioners

Vs.

The State of Tamilnadu, rep by
Inspector of Police
(Investigation Officer for Cr.No.256/2010
Palacode Police Station, Dharmapuri)
Pennagaram Police Station,
Dharmapurai District.

..Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the Charge Sheet in SC No.4 of 2012, on the file of the Principal Sessions Judge, Dharmapuri, dated 21.07.2011 and quash the same.

For Petitioners : Mr.C.S.Dhanasekaran
For Respondent : Mr.B.Ramesh Babu
Government Advocate [Crl.side]

O R D E R
सत्यमेव जयते

The present petition is filed seeking for quashing the proceedings for the offence of murder pending trial in SC No.4 of 2012 on the file of learned Principal Sessions Judge, Dharmapuri.

2.Heard the learned counsel for petitioners and the learned Government Advocate [Crl.side].

3.The matter has been pending before this Court from the year 2012 and repeatedly has been adjourned on many occasions, as there was no representation for petitioners.

4.The Charge Sheet reads as follows:

Accused:

- 1.Mariyappan-65
S/o.Mariyappa Gounder,
Theertharapatti.
- 2.Kumaraselvam-35
S/o.Mariyappan,
Theertharapatti
- 3.Gowran-58,
S/o.Alraj,
Theertharapatti.
- 4.S.G.Mariyappan-36,
S/o.Gowran, Theertharapatti.
- 5.Arul-37,
S/o.Varadhan,Prothur,
near Endapatti,
Palacode.
- 6.Murugan-45,
S/o.Perumal,
Theertharapatti,
- 7.Krishnan-48,
S/o.Mottaiyan @ Mariyappan,
Theertharapatti.

"The first accused Mariappan is the retired Teacher. The second accused is the son of first accused. The other accused are relatives of first accused. The accused are having Kattu Mariamman Koil at Belrampatti Junction Road on the Kesar Kuzhi Dam Road. There is dispute with regard to above koil between the family of accused and people of Theertharampatti and Goundanur. The deceased Madhappan was the main opposition party to the accused. There is civil dispute with regard to right of temple. So all the accused have entered into criminal conspiracy to murder deceased Madhappan and committed murder.

That on 11.07.2010 at about early morning 00.30 hours at the field hut of deceased Madhappan at Goundanur within the Jurisdiction of Palacode Police Station and within the Jurisdiction of this Hon'ble Court due to above dispute with regard to right of Kattu Mariamman Koil between the family of accused and villages of deceased Madhappan, all the accused have entered into criminal conspiracy to murder Madhappan and in furtherance of above criminal conspiracy, the accused A3/Gowran and A4/S.G.Mariappan with intension to cause the death of Madhappan have voluntarily attacked the Madhappan with iron rod and; cUL;L fl;il on the head and fore head and he died of Head injury with shock and all the accused caused the death of

Madhappan as per their criminal conspiracy.

And thereby all the accused appears to have committed the offence punishable U/s.302 IPC r/w.120-B IPC.

Hence the charge.''

The petitioners are charged U/s.302 of IPC r/w 120-B IPC. List witnesses 8 & 9 speak to the conspiracy to murder the deceased and involvement of the petitioners therein.

5.In view of the above, the petition stands dismissed. The learned Principal Sessions Judge, Dharmapuri is directed to dispose of the case pending in SC No.4 of 2012 as expeditiously as possible and within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dn

To

1.The Inspector of Police,
(Investigation Officer for Cr.No.256/2010
Palacode Police Station, Dharmapuri)
Pennagaram Police Station,Dharmapurai District.

2. Principal Sessions Judge, Dharmapuri

3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.19209 of 2012

lrs(co)
aa07/08/2017