



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 02.05.2017

DELIVERED ON: 07.06 .2017

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.22987 of 2015

1	Palanichamy	
2	Paramasivam	
3	Sivasamy	
4	Rajendran	
5	Muthandi	
6	Manokaran	
7	Pandi	
8	Thavasi	
9	Kasimayan	
10	Pandi	
11	Balamurugan	
12	Kannuchamy	
13	Muthu Thevar	
14	Chinnasamy @ Mandeyan	Petitioners/Accused 1 to 5,7 to 11, 14,15,16&18

vs.

1	The State of Tamil Nadu represented by the Inspector of Police Devathanapatti Police Station Theni District (Cr. No.180 of 2009)	1 st Respondent/Complainant
2	Ravi	2 nd Respondent/Defacto Complainant

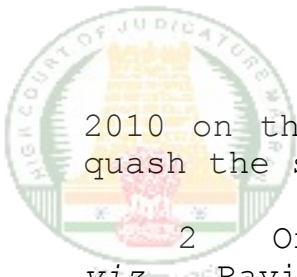
Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records relating to the proceedings in C.C. No.156 of 2010 on the file of the Judicial Magistrate Court, Periyakulam and quash the same.

For petitioners Mr. T.R. Subramanian
For R1 Mr. K. Anbarasan
Government Advocate (Crl. Side)

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

THIS Criminal Original Petition has been preferred seeking to call for the records relating to the proceedings in C.C. No.156 of



2010 on the file of the Judicial Magistrate Court, Periyakulam and quash the same.

2 On the complaint lodged by the second respondent herein, viz., Ravi, the first respondent police registered a case in Cr. No.180 of 2009 and has filed charge sheet in C.C. No.156 of 2010 before the Judicial Magistrate Court, Periyakulam, under Sections 147, 148, 353, 294(b) and 447, IPC against 22 accused, challenging which, 14 accused are before this Court.

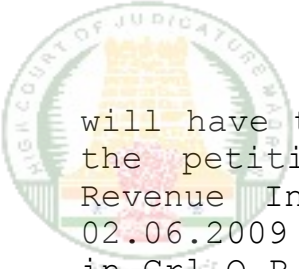
3 Heard Mr. T.R. Subramanian, learned counsel for the petitioners and Mr.K. Anbarasan, learned Government Advocate (Crl. Side) appearing for the first respondent/State.

4 The FIR in this case has been registered, as stated above, on the complaint given by Ravi, the second respondent herein, who was working as Revenue Inspector at Periyakulam at the relevant point of time.

5 It is the case of the prosecution that the land in question measuring 1 acre and 70 cents in Survey No.70 belonged to one Abbas Mandri, but, it was being cultivated by Ravi. Abbas Mandri sold the land to one Jeyapaul of J.C. Enterprises, aggrieved by which, Ravi was demanding compensation and was creating law and order problem. On coming to know of this, the Inspector of Police, Periyakulam, submitted a report to the Revenue Divisional Officer, apprehending breach of peace, based on which, Section 145, Cr.P.C. proceedings were initiated by the Revenue Divisional Officer and the land in question was directed to be taken possession by the Government. On the instructions of the Tahsildar, when the Revenue Inspector went to the land for taking measurement on 02.06.2009 and 09.06.2009, he was prevented by accused 1 to 22 from taking measurement and hence, on the complaint of Ravi, the FIR came to be registered followed by the charge sheet, which is under challenge in this Criminal Original Petition.

6 The learned counsel for the petitioners contended that challenging the Section 145, Cr.P.C. proceedings, Jeyapaul filed Crl.O.P. (MD) No.4041 of 2009, which was allowed by this Court on 23.03.2010, pursuant to which, the order under Section 145, Cr.P.C. was revoked by the Revenue Divisional Officer on 11.06.2010 and therefore, the prosecution as against the petitioners is clearly an abuse of process of law.

7 This Court is unable to agree with the submission of the learned counsel for the petitioners, because, the prosecution of the accused is for the incidents which took place on 02.06.2009 and 09.06.2009, in which, a Government servant was illegally prevented by the accused from measuring the land by formation of an unlawful assembly with deadly weapons. The subsequent order of this Court, cannot, in any manner, legalise the crimes which are said to have taken place on 02.06.2009 and 09.06.2009, for which, the petitioners



will have to face the music. In other words, the incidents wherein the petitioners formed an unlawful assembly and prevented the Revenue Inspector from measuring the land, had taken place on 02.06.2009 and 09.06.2009, whereas, the order passed by this Court in CrI.O.P. (MD) No.4041 of 2009 is dated 23.03.2010.

8 In view of the foregoing discussion, this Court is of the considered view that this is not a fit case to quash the prosecution.

Resultantly, this Criminal Original Petition is dismissed as being devoid of merits.

Sd/-

Assistant Registrar(Records)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

- 1 The Inspector of Police
Devathanapatti Police Station
Theni District
- 2 The Judicial Magistrate Court
Periyakulam
- 3 The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

+1 CC TO MR.T.R.SUBRAMANIAN, ADVOCATE, SR NO.58774

cad

MAS/KP/SAR1:12.06.2017:3P-5C

order in
CrI.O.P. (MD) No.22987 of 2015
07.06.2017