



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P. (MD) No.12105 of 2017

and

Crl.M.P. (MD) Nos.8365 and 8366 of 2017

1.Kannan

2.Karikalan

...Petitioners / Accused Nos.1 & 2

-Vs-

1. The State represented by
The Inspector of Police,
Keezhathuval Police Station,
Muthukulathur Taluk,
Ramanathapuram District.
(Crime No.19 of 2017)

... 1st Respondent/Complainant

2. Dr.S.Meenakshi,
Deputy Director of Health Service,
Paramakudi,
Ramanathapuram District.

... 2nd Respondent/ Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.148 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Mudukulathur and quash the same.

For Petitioners : Mr.N.Balakrishnan
For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl. side).

O R D E R

This Criminal Original Petition has been filed to quash the records in C.C.No.148 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Mudukulathur, as against the petitioners.

2.The petitioners are the Accused Nos.1 and 2. It is stated that the complaint was lodged as against the first petitioner originally for offences punishable under Section 506(i)(b) IPC, on the allegation that the petitioners had spread rumor regarding the Rubella Vaccine to create confusion and panic among the children and parents. After filing of the final report, the case was taken on file in C.C.No.148 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Mudukulathur.



3.The learned Counsel for the petitioners submitted that the petitioners were falsely implicated without any basis. It is submitted that there are several discrepancies in the statement obtained by the witnesses. With reference to one of the witnesses, by name Chellathai, though her daughter was studying in different school, statement was obtained from her as if she was studying in the school, where the alleged incident was occurred. It is further stated that the rumors regarding Rubella Vaccine was pursuant to a peculiar incident whereby 13 girl students, who were studying in the Government Middle School, Kolundurairi, were returned back to their home, for the reason that they all attained puberty on a particular day.

4.The learned Counsel for the petitioner submitted that the petitioners are not responsible for the act of spreading the rumors and due to lack of scientific knowledge about vaccine, the people living in the village assumed so many things. It is further stated that the second petitioner is working as a teacher in a different school, which is 30kms away from the school in which the incident occurred. It is further submitted that the petitioners have already put vaccine to their children and that therefore they would not have spread the rumors regarding the Rubella Vaccine.

5.Having regard to the several factual incidents, the learned Counsel for the petitioners tries to impress this Court that absolutely there is no basis for involving the petitioners in the complaint and that the petitioners are innocent, and hence they should not be allowed to undergo the ordeal of Trial in facing a false case.

6.The fact that the complaint as well as the charge sheet disclose cognizable offences cannot be disputed. Merely because there are some discrepancies in the statement obtained from the witnesses or the improbabilities of the case of prosecution cannot be a reason to entertain the quash petition, by this Court, by exercising the power under Section 482 of Code of Criminal Procedure. It is to be noted that the factual statements of the petitioners are not supported by any direct material. Hence, the petitioners can establish their case in defence, only by oral evidence. On the basis of their own statement, this Court cannot decide the merits of the contentions of the petitioner. In these circumstances, this Court is not inclined to interfere with the process or quash the charge sheet. Having regard to the well settled law and the scope of Section 482 of Code of Criminal Procedure, this Court has no other option but to dismiss this petition. Hence this Criminal Original Petition is dismissed.

7.However, the learned Counsel for the petitioners submitted that the petitioners' appearance may be dispensed with. Having regard to the peculiar circumstance of this case, this Court is inclined to dispense with the presence of the petitioners before



the Trial Court, unless and until their presence is specifically required by an order of the Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Keezhathuval Police Station,
Muthukulathur Taluk,
Ramanathapuram District.
2. The Deputy Director of Health Service,
Paramakudi,
Ramanathapuram District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.N.Balakrishnan, Advocate Sr.No.78992

CMR

VB/MR/KKR/SAR3/03.10.2017/3P/5C

**Cr1.O.P. (MD) No.12105 of 2017
and
Cr1.M.P. (MD) Nos.8365 and 8366 of 2017**

14.09.2017