



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.10.2017
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P. (MD) No.13894 of 2017
and

Crl.M.P. (MD) No.9331 and 9332 of 2017

WEB COPY

- 1.Raviraja
- 2.Ambigapathi
- 3.Bhuvaneswaran
- 4.Nallusamy, S/o.Palaniappan
- 5.Sivakumar
- 6.M.C.Perumal
- 7.M.R.Nagarajan
- 8.Murugesan
- 9.Chandrasekaran
- 10.Kuppusamy
- 11.Ramesh
- 12.Lakshmanan
- 13.Ramesh
- 14.Saravanan
- 15.Murugesan
- 16.Ilayaraja
- 17.Lakshmanan
- 18.P.K.A.Karthik
- 19.Nallusamy, S/o.Doraisamy
- 20.Govindan
- 21.Kalairaja
- 22.Periasamy
- 23.Malayalan
- 24.Pandiyarajan
- 25.Stalin
- 26.G.Sivasakthi
- 27.Parthiban
- 28.Kanagaraj
- 29.Sundaresan
- 30.Paramasivam
- 31.Nandakumar
- 32.M.K.Samvel
- 33.M.Mani
- 34.Ilavarasan
- 35.V.Palanisamy
- 36.J.Muthamilselvan
- 37.M.Gunasekaran
- 38.P.Pandian
- 39.Thirumalai Natarajan
- 40.V.K.S. Subramanian
- 41.Arumugam
- 42.Thangarasu



43.Manickam
44.R.Anbumani
45.Sivakumar
46.V.Vairamani
47.M.Dhanapathi
48.P.Shanmugasundaram
49.Arumugam
50.A.Maheswaran
51.Senthilkumar S/o.Pitchai
52.M.Senthilkumar, S/o.Manickam
53.L.Mariappan
54.Raja
55.Ravichandran
56.Mohammed Rafi
57.R.Rajasekaran
58.P.Raghupathi
59.M.N.Rajappan
60.Anbarasu

...Petitioners / A1 to A60

1.Rajeshwari
2.Muthulakshmi

... Petitioners / A1 and A2
(Women Accused)

-Vs-

1. The State represented by
The Inspector of Police,
Mayanoor Police Station,
Karur District.
(in Crime No.111/2016)

... 1st Respondent /
Complainant

2. M.Karthikeyan

... 2nd Respondent / De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to charge sheet in C.C.No.294 of 2017 on the file of the learned Judicial Magistrate No.2, Kulithalai, Karur District and quash the same.

For Petitioners : Mr.M.Bindran
For R1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the records pertaining to the charge sheet in C.C.No.294 of 2017 on the file of the learned Judicial Magistrate No.2, Kulithalai, Karur District.



2. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioners are the named accused in the charge sheet filed against them in C.C.No.294 of 2017 on the file of the learned Judicial Magistrate No.2, Kulithalai, Karur District, for the offences punishable under Sections 143, 188 and 285 IPC.

4. The learned Counsel for the petitioners pointed out that the complaint that was registered in Cr.No.111 of 2016 is on the basis of information that was given by the Village Administrative Officer, on 07.04.2016. On the complaint, it was only stated that the de-facto complainant has come to know about the protest organized by the first petitioner and others to set fire on the effigy of a political leader.

5. It is not the case of the de-facto complainant that the first petitioner and others have actually accomplished by setting fire on the effigy of the political dignitary on the date as it was proposed. The information that was furnished by the Village Administrative Officer alone is reflected in the First Information Report. Even in the charge sheet, it is stated that the petitioners and others made an attempt to set fire on the effigy. It appears that the petitioners were arrested immediately after the complaint that was lodged by the Village Administrative Officer. As per the charge sheet, the statement of the Village Administrative Officer is the only evidence collected by the respondent police and shows that the petitioners were prevented, when they tried to set ablaze the effigy of the political dignitary.

6. In such circumstances, no cognizable offence is made out from the complaint as well as from the charge sheet. Hence this Criminal Original Petition is allowed and the charge sheet in C.C.No.294 of 2017 on the file of the learned Judicial Magistrate No.2, Kulithalai, Karur District, as against the petitioners is quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

<https://hsrvt.in> Service Inspection Services of Police,
Mayanoor Police Station,
Karur District.



2. The Judicial Magistrate No.2,
Kulithalai,
Karur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CMR

VB/SV/MMS/SAR3/01/11/2017/4P/4C

Cr1.O.P.(MD) No.13894 of 2017

13.10.2017