



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM:

THE HON'BLE Mr.JUSTICE A.M.BASHEER AHAMED

Crl.O.P. (MD) Nos.8762 and 8765 of 2017
and
Crl.M.P. (MD) Nos.5924 and 5925 of 2017

Crl.O.P. (MD) No.8762 of 2017:

1.R.Sivaji Babu
2.T.R.Thulasiraman
3.A.Arockiaselvam
4.S.Kandasamy
5.S.Muniswaran ... Petitioners/Accused 1 to 5

Vs.

State through
The Deputy Superintendent of Police,
CBI SCB,
Chennai. ... Respondent/Complainant

Prayer: Petition filed under Section 482 Cr.P.C., to call for the records of the case in P.R.C.No.3 of 2017 on the file of the Chief Judicial Magistrate, Madurai and quash the same as illegal and without jurisdiction.

Crl.O.P. (MD) No.8765 of 2017:

Aji Kumar ... Petitioner/Sole Accused

Vs.

State through
The Deputy Superintendent of Police,
CBI SCB,
Chennai. ... Respondent/Complainant

Prayer: Petition filed under Section 482 Cr.P.C., to call for the records of the case in P.R.C.No.2 of 2017 on the file of the Chief Judicial Magistrate, Madurai and quash the same as illegal and without jurisdiction.

**COMMON ORDER**

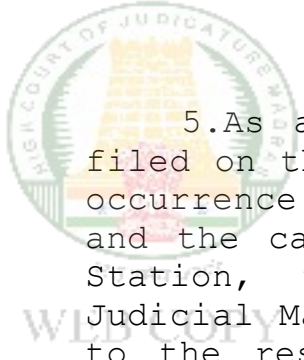
The Criminal Original Petition in CrI.O.P.(MD)No.8762 of 2017 is filed to quash the proceedings in P.R.C.No.3 of 2017 pending on the file of the Chief Judicial Magistrate, Madurai.

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2.The Criminal Original Petition in CrI.O.P.(MD)No.8765 of 2017 is filed to quash the proceedings in P.R.C.No.2 of 2017 pending on the file of the Chief Judicial Magistrate, Madurai.

3.In CrI.O.P.(MD)No.8762 of 2017, the 1st petitioner is working as Grade-I Head Constable, the 2nd petitioner is working as Head Constable, the 3rd petitioner is working as Grade-I Police Constable and the 4th petitioner is working as Head Constable in various places. While they were in bandobust duty, on 11.09.2011, at Paramakudi, a group of dalit people gathered in connection with 54th death anniversary of one Immanuel Sekaran and when the crowd came to know about the arrest of one John Pandian, who is a dalit community leader, his supporters blocked the road by demanding the release of the said John Pandian. Since the crowd became uncontrollable and also damaging public properties, the Police dispersed the crowd by using force including fire arms which resulting, the death of 6 dalit people. Due to the same, several complaints were lodged before the respondent Police by the victims and their relatives, a case in Crime No.300 of 2011 was registered by the Town Police Station, Paramakudi, under Sections 147, 148, 149, 427, 435, 324, 322 & 307 IPC and under Sections 3 & 4 of TNPPDL Act and under Section 174 Cr.P.C.

4.After registration of the case, several complaints were lodged making allegations against the Police, who were on bandobust duty on the said date. The Writ petitions in W.P.(MD) No.24596 of 2011 and batch cases were also filed before this Court for transferring the investigation to CBI and this Court by a common order dated 23.12.2011, directed the Investigation Officer in respect of the case in Crime No.300 of 2011 to hand over the entire records to CBI. Accordingly, CBI SCB, Chennai, registered a case in FIR No.RC 2(S) / CBI / SCB / Chn., dated 20.01.2012 against 7 named accused and 1000 others under 147, 148, 149, 427, 435, 324, 322 and 307 IPC, Section 3 and 4 of TNPPDL Act and Section 174 Cr.P.C. After completion of investigation, CBI has filed 3 separate charge sheets under Section 173 Cr.P.C., before the Chief Judicial Magistrate, Madurai. P.R.C.No.2 of 2017 is filed against one Aji Kumar, who is the petitioner in CrI.O.P.(MD) No.8765 of 2017 for the offence under Section 323 IPC and Section 3(x) of SC & ST (Prevention of Atrocities) Act, P.R.C.No.3 of 2017 is filed against the petitioners in CrI.O.P.(MD)No.8762 of 2017 for the offence under Section 34 r/w 304 IPC and Section 3(x) and 3(2)(v) of SC & ST (Prevention of Atrocities) Act. Accepting the final report, the Chief Judicial Magistrate, Madurai issued summons to the parties to appear and answer all the charges.



5.As against the same, these Criminal Original petitions are filed on the ground of territorial jurisdiction, since the alleged occurrence happened in Paramakudi Town, Ramanathapuram District and the case was originally registered at Paramakudi Town Police Station, which comes under the territorial jurisdiction of Judicial Magistrate, Paramakudi and transferring the investigation to the respondent would not change the territorial jurisdiction and there is a Special Court at Ramanathapuram.

6.The learned Special Public Prosecutor appearing for the respondent would submit that during the pendency, he got information from the Superintendent of Police as sanction was declined by the competent authority against the petitioners in these cases and the State Government vide G.O.2D.No.202, dated 10.07.2017 declining to grant sanction for prosecution against the petitioners.

7.Recording the above statement made by the learned Special Public Prosecutor for CBI cases, this Court is inclined to quash the proceedings in P.R.C.Nos.2 and 3 of 2017. Accordingly, the proceedings in P.R.C.Nos.2 and 3 of 2017 is quashed and the Criminal Original petitions are allowed. Consequently, connected Crl.M.Ps.are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate, Madurai.

2.The Deputy Superintendent of Police,
CBI SCB, Chennai.

3.The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.

+2cc to Mr.C.Arul Vadivel Alias Sekar, Advocate Sr.No.86030,86029

NBJ

VB/KP/SAR1/16/11/2017/3P/6C

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