



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.23877 of 2016

and

CrI.M.P. (MD) Nos.12638 and 12639 of 2016

Ayyanar

: Petitioner

-Vs-

1.The Inspector of Police,
Puliangudi Police Station,
Tirunelveli District.
(Cr.No.387 of 2012)

2.Velladurai

: Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the entire records in C.C.No.395 of 2014 pending on the file of Judicial Magistrate Court, Sivagiri and quash the same as against this petitioner.

For Petitioner : Mr.T.Ramar

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (CrI.side)

O R D E R

On the complaint lodged by one Velladurai, the respondent police have registered a case in Crime No.387 of 2012 on 05.10.2012 under Sections 147, 294(b), 324, 323, 452, 427 and 506 (ii) of the Indian Penal Code against 24 accused. Similarly, on the complaint of one of the accused in Crime No.387 of 2012, the respondent police registered a case in Crime No.386 of 2012 against the opposite party as both groups had formed unlawful assemblies and had attacked, resulting in injuries on either side. After completing the investigation in Crime No.387 of 2012, the first respondent police have filed a charge sheet before the learned District Munsif -cum- Judicial Magistrate, Sivagiri, in C.C.No.395 of 2014 under Sections 147, 294(b), 324, 323 and 506 (ii) of the Indian Penal Code against 24 accused, challenging which, Ayyanar (A-10) is before this Court.



2. In the grounds of the petition, it is stated that the petitioner was not even present in the scene of occurrence and that he has been falsely implicated. It is also stated that this case is a counter blast for the case in Crime No.386 of 2012. On a reading of the charge sheet, it is alleged by the prosecution that the accused had formed into an unlawful assembly and had attacked Velladurai resulting in injuries to him. The injured has been examined by Dr.Paramasivan, who has noted injuries in the Wound Certificate. The presence of the petitioner in the unlawful assembly has been spoken to by the eye witnesses. When once a person is a member of the unlawful assembly, he is vicarious liable for the acts committed by a member of such an Assembly. Under such circumstances, when there are sufficient materials against the petitioner, the prosecution against him cannot be quashed, in view of the law laid down by the Supreme Court in **AIR 1992 SC 604 [State of Haryana v. Bhajan Lal]**.

3. In the result, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate Court,
Sivagiri.
- 2.The Inspector of Police,
Puliangudi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

AE/RSK/SAR2/22.06.2017/2P/4C

Order made in
CRL.O.P. (MD) No.23877 of 2016

Dated: **09.06.2017**

(2/2)