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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.11589 of 2018

and

Crl.M.P. (MD) Nos.5056 and 5259 of 2018

- 1.Pepinkagu @ Peppin Kagu
- 2.Jovalan
- 3.Aanjala @ Anjala
- 4.Puvaya
- 5.Matharasi
- 6.Jeyanthi @ Jayanthi
- 7.Ciristhu Rani @ Cristhu Rani
- 8.Jegan
- 9.Gnanam
- 10.Selvavalan
- 11.Selva Chandran @ Selva Chandiran
- 12.Pappuraj Curuz @ Pappuraj Cruz
- 13.Thevaraj @ Devaraj
- 14.Arockia Seeli @ Arokia Seeli
- 15.Anthony Pitchai
- 16.Sesurajya karvali @ Sesuraj Garwali
- 17.Dayana



18.Andonita @ Andonitta

19.Sakila

20.Thomas Vas

21.Selvi

22.Chandran Fernando @ Chandiran Fernando

23.Nickolasxavier @ Nicholus Xavier

24.Sagayaselvi @ Sagaya Selvi

25.Jo Amalraj @ Joe Amalraj

26.Sebasthiyan Fernando @ Sebastian Fernando

27.Moitcharani

28.Bharathi

29.Selvakumar

30.Joseph Dev Ananth @ Joseph Dev Anand

31.Punitha

32.Balachandran @ Balachandiran

33.Rani

34.Jhonson @ Johnson

35.Backianathan @ Pakianathan

36.Ando Abinash @ Andro Abinash

37.Aandrutz @ Anrose

38.Priya

39.Arockia Seelan @ Arokia Seelan

40.Meri Nobil @ Mary Noble

41.Selvarathinam

42.Abaranam Komar

... Petitioners



Vs

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.

3.The Village Administrative Officer,
Vembar Village,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the Crime No.23 of 2018, dated 02.06.2018 on the file of the Soorankudi Police Station, Thoothukudi District as against these petitioners and to quash the same as illegal.

For Petitioners : Mr.P.Muthu Vijaya Pandian

For Respondents : Mrs.S.Bharathi
Government Advocate (Crl.side)

O R D E R

This petition has been filed to quash the F.I.R in Crime No.23 of 2018 for an alleged offence under Sections 143 and 353 of IPC.

2.It is seen from the complaint that one Marvel Rex Naveen who was working as a Physical Training Teacher in the School, was prevented from signing the attendance register by the people belonging to the Village. Thereafter, a Peace Committee was conducted by the Tahsildar, Vilathikulam on 26.05.2018. In the said meeting, it was accepted by the parties that the said teacher will not be prevented from attending to his duty in the school from 01.06.2018 onwards. An undertaking given by the village people was recorded and the report was also submitted by the Tahsildar.

3.Subsequently, on 02.06.2018, an F.I.R came to be registered for the very same incident as against nearly 51 persons for an alleged offence under Sections 143, 353 of IPC. This F.I.R has been challenged before this Court.

4.The learned counsel for the petitioners would submit that the entire issue came to an end subsequent to the Peace Committee Meeting conducted by the Tahsildar and thereafter, the very same



issue is now being re-agitated by registering an F.I.R. It is also seen that from 01.06.2018 onwards, the above said P.T. Teacher has been attending to his duty in the School without any hindrance from the petitioners.

5.The learned Government Advocate (Crl.side) for the respondents would submit that even though the parties gave an undertaking in the Peace Committee Meeting, the Village Administrative Officer has given a complaint for the said incident and therefore, the second respondent has registered an F.I.R for an offence under Sections 143 and 353 IPC.

6.In the considered view of this Court, the continuation of the F.I.R against the petitioners will amount to an abuse of process of law. The entire dispute came to an end on 26.05.2018 by virtue of the Peace Committee Meeting conducted by the Tahsildar and admittedly, the concerned Teacher has been permitted to work effective from 01.06.2018. When the entire dispute has been resolved, the respondent police cannot start a parallel investigation as against nearly 50 persons belonging to the village. No useful purpose will be served by keeping the F.I.R pending. Interest of justice warrants that F.I.R should be quashed.

7.Accordingly, the F.I.R in Crime No.23 of 2018 on the file of the second respondent is hereby quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS-II)

To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
- 3.The Village Administrative Officer,
Vembar Village,
Vilathikulam Taluk,
Thoothukudi District.



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

WEB COPY +1 CC To MR.P.MUTHU VIJAYA PANDIAN, Advocate SR. NO. 84843

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