

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.7823, 7824, 7825, 7826, 7827, 7828, 7829 &
7830 of 2013 and

Crl.M.P.Nos.1, 1, 1, 1, 1, 1 & 1 of 2013

1.Meganathan

2.Sudhakar

3.Kandan

4.V.Nanmaan

[Amended as per the order of
this Court dated 21.03.2013 in
Crl.M.P.No.2 of 2013 in
Crl.O.P.No.SR 11196 of 2013.]

5.Kamal

6.Raghu ... Petitioners in crlOP.NO.7823/13
Kandan ... Petitioners in OP.NO.7824&7830/13
Meganathan ... Petitioners in OP.NO.7825&7829/13
Chakaravarty ... Petitioners in OP.NO.7826/13
Sudhakar ... Petitioners in OP.NO.7827/13
Sudhakar ... Petitioners in OP.NO.7828/13
Vs.

1.The State

Represented by the Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
Vellore District.
[Crime No.978 of 2012]

2.Michael .. Respondents in crlOP.NO.7823/13

1.The State

Represented by the Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
Vellore District.
[Crime No.973/2012, 971/2012, 411/2012, 972/2012,
409/2012, 412/2012]

..1st Respondent in all WPs

2.N.Suresh Babu,
Spl Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
Vellore District. ..2nd Respondent in op.7824/13
op.7825/13,op.7827/13

K.Gandhi
Spl Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
Vellore District. ..2nd Respondent in OP.NO.7828/13

N.Chokalingam
The Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
Vellore District. ..2nd Respondent in OP.NO.7829/13

Meganathan
Spl Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
Vellore District. ..2nd Respondent in OP.NOS.7826,7830/13

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to quash the FIR in Crime No.978 of 2012, dated 13.10.2012 Crime No. 973/2012,dated 11.10.2012, cr.971/2012,dated 11.10.2012, cr. 411/2012,dated 13.03.2012 ,cr.972/2012,dated 11.10.2012 cr.410/12 dated 13.03.2012 ,cr.409/2012, dated 13.03.2012, cr 412/2012 dated 13.03.2012 pending on the file of Gudiyattam Town Police Station,Vellore District.

In all Crl.OP's
For Petitioners: Mr.R.Muniyapparaj
For R1 : Mr.Hari Hara Arun Somasankar
Government Advocate [Crl. Side]

* * * * *

COMMON ORDER

These Criminal Original Petitions have been filed to quash the F.I.R in Crime Nos.978, 973, 971, 411, 972, 410, 409 & 412 of 2011 respectively, on the file of the 1st respondent Police.

2.The learned counsel for the petitioners would submit that the petitioners have never committed a breach of peace or disturbance to the public tranquility in that locality. The petitioners belonged to one particular political party and they belong to Schedule Caste community. He further submitted that the petitioners being member of political party, conducted a meeting against the State Government. Therefore, in order to curtail the activities of the petitioners, the respondent Police foisted false cases against them without following due process of law under Section 107 of Cr.P.C.

3.He further submitted that the cases are of the year 2013 and under Section 107 Cr.P.C., it is a show cause notice for breach of peace or disturbance of Public tranquility, a bond under Section 111 of Cr.P.C and violation of the same order to be made under Section 117 of Cr.P.C. It is further contented that as per Section 468 of Cr.P.C., the cases would be barred by limitation and he had also relied upon the following citations.

"1. M.Krishnamurthy Versus The Sub Divisional Magistrate Cum in Crl.O.P.No.17684 of 2015 dated 24.01.2017.

2. A.Ravichandran Versus The Sub Divisional Executive Magistrate (RDO), Dharapuram, Tiruppur in Crl.O.P.No.18750 of 2010 dated 24.03.2017."

सत्यमेव जयते

4.The learned Government Advocate [Crl.Side] submits that these cases have been filed in the year 2013 and the same are pending. The petitioners have created a public nuisance and tranquility, which necessitated filing of these cases against them for maintaining peace and harmony. It is also fairly submitted by the learned Government Advocate that no other cases of similar nature has been registered against them.

5.On considering the the facts of the case and the legal bar in further proceeding with these cases, the proceedings in Crime Nos.978, 973, 971, 411, 972, 410, 409 and 412 of 2012 on the file of the Gudiyattam Town Police Station, Vellore District are quashed.

Accordingly, this Criminal Original Petition is allowed.
Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

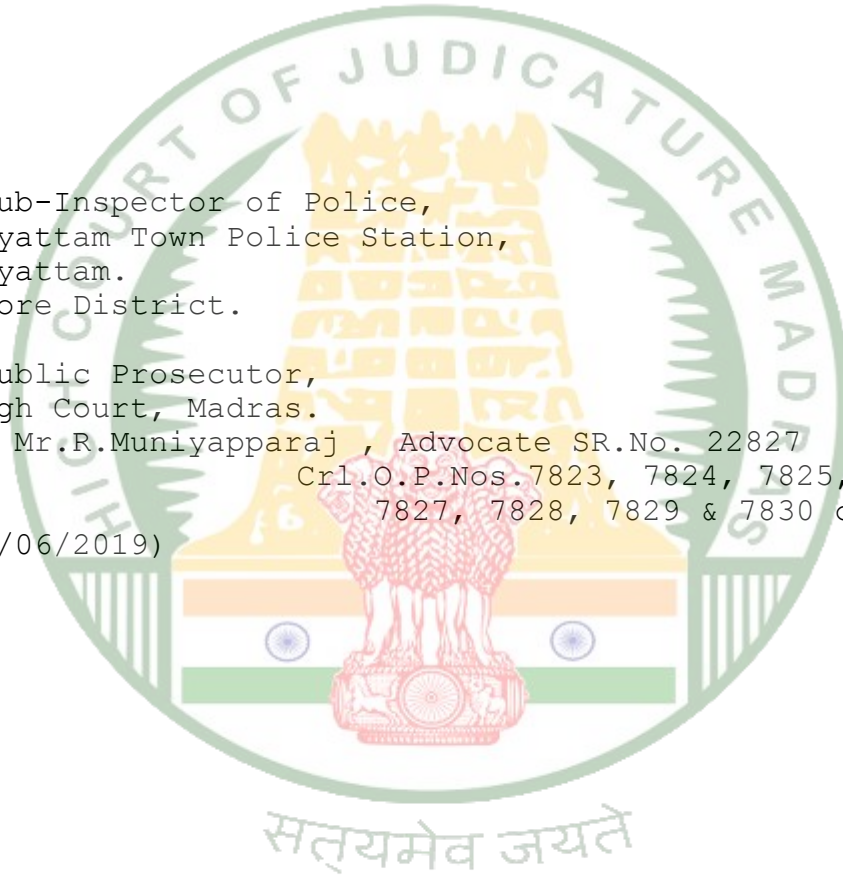
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To

1.The Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam.
Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Muniyapparaj , Advocate SR.No. 22827
Crl.O.P.Nos.7823, 7824, 7825, 7826,
7827, 7828, 7829 & 7830 of 2013

A.SK(10/06/2019)



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