



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.4885 of 2019

and

Crl.M.P. (MD) No.3027 of 2019

- 1.T.Kathiresan
- 2.Palraj
- 3.M.Rakkappan
- 4.S.Thirumalaiappan
- 5.V.Alagarsami @ Alagiri Sami
- 6.S.Santhanam
- 7.R.Ashok @ Ashok Kumar
- 8.J.Prabakaran @ Prabakaramoorthi
- 9.V.Jeyaraj
- 10.A.Vadivel
- 11.M.Yemarajan
- 12.V.Selvakumar
- 13.P.Pavunraj
- 14.R.Sukumar
- 15.P.Kangaraj
- 16.M.Senthilkumar
- 17.S.Umashankar @ Umapathi
- 18.M.Muthukumar
- 19.C.Murugesan
- 20.G.Sathish @ Sathishkumar
- 21.K.Muthuvelu
- 22.B.Arul Selvam @ Muthuvel Arulselvam
- 23.Palanivel Rajan @ Palanivel Arulselvam
- 24.C.Annakodi
- 25.R.Tamiloli Arasu
- 26.M.Selvam
- 27.M.Viswanathan
- 28.S.Jhansi Rani
- 29.P.Saratha @ Roselene Saratha
- 30.S.Muthuvel Nachiyar
- 31.R.Kandha Bharathi
- 32.R.Rajesh

... Petitioners

Vs.

State Rep. by its
The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar District.

... Respondent



PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in S.T.C.No.133 of 2017, on the file of the Judicial Magistrate Court No.II, Srivilliputhur, Virudhunagar District, and quash the same.

For Petitioners : Mr.Niranjan S.Kumar
for R.Ragavendran

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Criminal side)

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.133 of 2017 on the file of the Judicial Magistrate Court No.II, Srivilliputhur.

2.The case of the prosecution is that on 09.08.2016 at 11.00 a.m., the petitioners/A1 to A13, A15 to A20, A24, A26, A27, A29 to A32 and A34 to A39 and other accused viz., A14, A21 to A23, A25, A28, A33 joined together and conducted hunger strike within 100 meters radius from the Combined Court Building, situate at Srivilliputhur - Sivakasi Main Road, when there is a ban under Section 30(2) of the Police Act, is in force. Hence, the de-facto complaint lodged a complaint before the respondent police. After completion of investigation, the respondent filed a final report against the petitioners and others for the offences punishable under Sections 143 and 188 IPC, before the Judicial Magistrate Court No.II, Srivilliputhur.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the State.

4.This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.133 of 2017, on the file of the Judicial Magistrate Court No.II, Srivilliputhur. A final report has been filed for the offences under Sections 143 and 188 IPC. Insofar as the offences under Sections 188 and 143 IPC are concerned, this case is squarely covered by the decision of this Court in **Jeevanandham and others Vs. State, Rep. by the Inspector of Police, Velyuthampalayam Police Station, Karur District, and another** reported in **2019 (1) MLJ (Cr1) 36** [Cr1.O.P.(MD)No.1356 of 2018 etc. batch, dated 20.09.2018]. Therefore, the final report is liable to be quashed.

<https://hcservices.ecourts.gov.in/hcservices/>

5.In view of the above, the proceedings in S.T.C.No.133 of 2017 pending on the file of the learned Judicial Magistrate No.II,



Srivilliputhur, is hereby quashed in respect of the petitioners herein. Accordingly, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.II,
Srivilliputhur, Virudhunagar District.

2.The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur, Virudhunagar District.

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

+1 CC to M/s.R.RAGAVENDRAN, Advocate (SR-60228[F] dated
10/04/2019)

SMN2

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