



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.14984 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

WEB COPY

1.Yaswanth Sagar

2.Muthu

3.Rajendran

... Petitioners/Accused 1, 2, 11

Vs

1. State rep. By its

The Sub Inspector of Police,

Patteswaram Police Station,

Thanjavur District.

(Crime No.162 of 2014)

2. D.Kavitha,

The Sub Inspector of police,

Taluk Police Station,

In-charge of

Patteswaram Police Station,

Thanjavur District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the entire records relating to the impugned charge sheet in C.C.No.112 of 2015, on the file of the learned Judicial Magistrate, Kumbakonam and quash the same insofar as the petitioners/Accused Nos.1 and 2 and 11 are concerned.

For Petitioners

: Mr.G.Gomathi Sankar

For Respondents

: Mr.A.Robinson

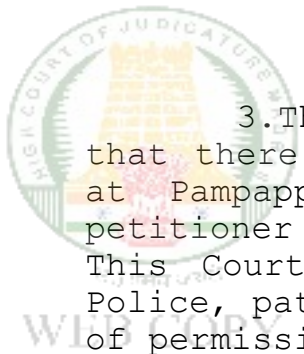
Govt. Advocate (Crl. Side) for R1

No appearance for R2

O R D E R

The petitioners are facing trial in C.C.No.112 of 2015, on the file of the learned Judicial Magistrate, Kumbakonam, for the offences under Sections 147, 148, 143, 294(b) and 506(i) of I.P.C.

2.The FIR was lodged by the Sub Inspector, Taluk Police Station, in-charge of Patteswaram Police Station in Crime 162 of 2014. The same culminated in final report and cognizance of the offences was also taken by the Jurisdictional Magistrate. To quash the same, this criminal original petition has been filed.



3.The learned counsel appearing for the petitioners pointed that there is a dispute regarding conducting of religious festival at Pampappadaiyur in Kumbakonam Taluk. In this regard, the petitioner herein filed W.P.(MD)No.14539 of 2014 before this Court. This Court by order dated 03.09.2014, directed the Inspector of Police, patteswaram Police Station to consider his request for grant of permission. It is seen that the first petitioner herein had also filed W.P.(MD)No.9933 of 2014 earlier.

4.The function was to be held on 05.09.2014. The FIR was also registered on the same day. According to the prosecution, the accused were armed with wooden log and were indulging in acts of criminal intimidation. But then, no member of the public has given any complaint. There is nothing on record to indicate that any body was injured. As rightly pointed by the petitioners' counsel, the information was lodged by the police personnel and all the witnesses were also police personnel.

5.I can come to the safe conclusion that since there is a dispute regarding the management of the religious festival, the police chose the easy option of registering a criminal case.

6.The petitioners' counsel states that a civil case between the rival parties is pending at the second appeal stage in S.A.(MD)No.201 of 2019. The petitioners give an undertaking that they will abide by the outcome of the civil proceedings. They give a further undertaking that they will move this Court in the pending second appeal for getting direction regarding the conduct of the festival. This in my view should give quietus to the issues. In these circumstances continuance of the impugned prosecution may not serve any purpose. The petitioners also give an undertaking that they will not file any application against the respondent police in this regard.

7.Recording these undertakings, the impugned proceedings stand quashed and the criminal original petition stands allowed. The benefit of this order will also enure in favour of the other accused, who have not moved this Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1.The Judicial Magistrate,
Kumbakonam.

2.The Inspector of Police,
Patteswaram Police Station,
Thanjavur District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-98656[F] dated
15/11/2019)

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VB(16.03.2020) 3P 4C