



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). Nos.4852 and 4958 of 2015
and M.P(MD).Nos.1,2,1 and 2 of 2015

CRL OP(MD). No.4852 of 2015

1. Jayaraman
2. Vadivel
3. Ganesan
4. Palaniappan
S/o.Chellaiah
5. Palaniappan
S/o.Andiappan
6. Andiappan
S/o.Raman
7. Subramanian

... Petitioners/Accused

Vs

1. The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
2. Andiappan
S/o.Arumugam

... Respondents/Complainants

For Petitioners : MR.S.Deenadhayalan for P1 to P4,6&7
No appearance (for 5th petitioner)

For Respondent : Mr.A.Robinson (for R1)
Government Advocate (Crl.Side)
No appearance (for R2)

PRAYER :-

Petition is filed under Section 482 Cr.P.C to call for the records relating to the case in S.T.C.No.2865 of 2014 on the file of the Learned District Munsif Cum Judicial Magistrate, Thiruppathur and quash the same.

CRL OP(MD). No.4958 of 2015

1. Jayaraman



3. Ganesan
4. Palaniappan
S/o.Chellaiah
5. Palaniappan
S/o.Andiappan
6. Andiappan
S/o.Raman
7. Subramanian

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For Petitioners : MR.S.Deenadhayalan for P1 to P4,P6&P7
No appearance (for 5th petitioner)

For Respondent : Mr.A.Robinson (for R1)
Government Advocate (Crl.Side)
No appearance (for R2)

PRAYER :-

Petition is filed under Section 482 Cr.P.C to call for the records relating to the case in S.T.C.No.2866 of 2014 on the file of the Learned District Munsif Cum Judicial Magistrate, Thiruppathur and quash the same.

COMMON ORDER

These criminal original petitions have been filed to quash the impugned proceedings in STC.Nos.2865 and 2866 of 2014 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppathur. In both the cases, one Andiappan is the defacto complainant. There is a dispute between the Andiappan's group and one lead by Jeyaraman regarding worshipping the deity in Olugamangalam village. The petitioner's group stated that they do not want to join with Andiappan in the matter of worship. They wanted to conduct their own separate worship. But then, this was not acceptable by Andiappan's group. Therefore, on 13.04.2014 the petitioner's group alone performed the worship. No law and order problem arose.

2.It is relevant to mention here that Andiappan does not belong to any Scheduled Caste. He belongs to Ambalam community. The petitioners are also belonging to the very same Ambalam community. The affected person does not belong to Scheduled Cast. Hence, I fail to understand as to how the provision under Section 7(a)(2)(1) of Protection of Civil Rights, 1955 could have been invoked. Since the petitioners have assembled only to offer worship in a public temple,



the assembly cannot be called as unlawful assembly. Therefore, the continuance of impugned proceedings can only be characterised as an abuse of legal process.

3. Therefore, both the impugned proceedings in STC.Nos.2865 and 2866 of 2014 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppathur stand quashed. These Criminal Original Petitions are allowed accordingly. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

TO

1.The District Munsif-cum-Judicial Magistrate, Thiruppathur.

2.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.

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

+1.CC. To MR.S.Deenadhayalan, Advocate in SR No.90784

ORDER IN
CRL OP(MD) . Nos.4852 and 4958 of 2015
Date : 30/09/2019

rmk

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