



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.7575 of 2015

and

MP(MD)No.1 of 2015

WEB COPY

K.Murugavel Rajan

... Petitioner

Vs.

State, through
The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
In Cr.No.363 of 2012

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records connected with the charge sheet filed in S.C No.134 of 2014 on the file of the Additional Assistant Sessions Judge, Sivakasi in Cr.No.363 of 2012 on the file of the respondent and quash the same.

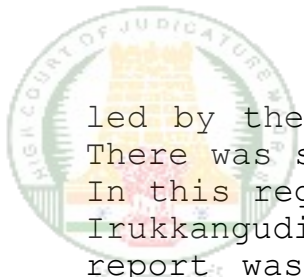
For Petitioner : No appearance

For Respondent : Mr.A.Robinson,
Government Advocate (crl.side)

ORDER

None appears for the petitioner. The petitioner is shown as A-57 in S.C No.134 of 2014 on the file of the Principal Sessions Judge, Virudhunagar District at Srivilliputhur. He is facing trial for the offences under Sections 147, 148, 149, 341, 332, 323, 336, 294(b), 307 IPC r/w.4 of TNPPDL Act. To quash the same, this petition has been filed.

2.The case of the prosecution is that there is a boundary dispute between Irukkankudi and Nathathupatty Village. In this regard, a civil suit is also pending before the District Munsif Court, Sathur in O.S No.2 of 2008. Some of the villagers of Irukkangudi are carrying on businesses outside the temple premises of Irukkankudi Mariyamman Koil. The village president of Nathathupatti has been demanding that the site in question belongs to Nathathupatti Panchayat and that therefore they should pay tax. In this regard, there has been a simmering dispute. The rival groups are belonging to two different communities. While so, on 04.10.2012, the Inspector of Police, Irukkangudi Police Station was on his routine rounds in his police jeep. At that time, fight broke out between the group led by one Murugaboobathi and the one



led by the petitioner herein. The police jeep was also damaged. There was stone pelting. The police driver also suffered injuries. In this regard, Cr.No.363 of 2012 was registered on the file of the Irukkangudi Police Station. The case was investigated and final report was filed and the case is taken up for committal in S.C No.134 of 2014 on the file of the Principal Sessions Judge, Virudhunagar at Srivilliputhur. To quash the same, this petition has been filed.

3.I went through the statements recorded under Section 161 of Cr.PC. The witnesses clearly mention that the petitioner was also a member of the unlawful assembly that indulged in violence. Since there are prima facie materials, I am not inclined to quash the impugned proceedings. The petitioner will have to necessarily establish his innocence only in a regular trial. Leaving open all his defences and contentions, this petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

Skm

To

- 1 The Additional Assistant Sessions Judge,
Sivakasi.
- 2 The Principal Sessions Judge,
Virudhunagar District at Srivilliputhur.

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JM/16.10.2019/2P/3C