



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

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THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

CrI.O.P. (MD)No.14591 of 2020

and CrI.M.P. (MD)Nos.6873 & 6874 of 2020

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... Petitioner/Accused No.8/Accused No.8

Vs.

1.State rep.by its

Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

In Crime No.432 of 2016. ...1st Respondent/Complainant/Complainant

2.Anbuneethi,

Village Administrative Officer,
Vellankottai (in-charge),
North Elanthakulam,
Thoothukudi District,

kayathar Taluk ..2nd Respondent/Defacto Complainant/Defacto
Complainant

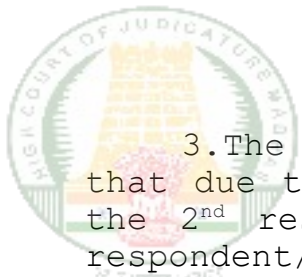
Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with the P.R.C.No.21 of 2020 on the file of the Judicial Magistrate No.II, Kovilpatti, Thoothukudi District and quash the same.

For Petitioner	: Mr.M.Veilkaniraju
For R1	: Ms.S.E.Veronica Vincent, Government Advocate(CrI.Side)

ORDER

This criminal original petition has been filed to quash the case in P.R.C.No.21 of 2020 on the file of the Judicial Magistrate No.II, Kovilpatti, Thoothukudi District.

2.The allegation in the FIR is that on 23.10.2016 about 04.00 a.m., the petitioner along with other accused persons removed the cement statue of Muthuramalinga Thevar situated at North Elanthaikulam by breaking open the lock put up by the revenue officials and installed the Bronze statue of Muthuramalinga Thevar without the permission of the Government and on the complaint of the 2nd respondent/Village Administrative Officer, FIR has been registered by the 1st respondent/police in Crime No.432/2016 on 23.10.2016 against 12 named accused persons and 25 unnamed accused, for the offences under Sections 147, 148, 188, 353, 506(ii) IPC and Section 3(i) of TNPPDL Act, 1992. The petitioner is A8 in the FIR.



3.The learned counsel appearing for the petitioner would submit that due to communal dispute, the above complaint was preferred by the 2nd respondent and after completion of investigation, the 1st respondent/police filed a charge sheet and the same has been taken on file in P.R.C.No.21 of 2020 on the file of the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District. He would further state that without conducting any enquiry as to who were all present in the scene of occurrence, the 1st respondent/police deleted the 25 unnamed accused from the charge sheet. According to the petitioner, he was not present in the scene of occurrence and some other persons installed the bronze statue of Muthuramalinga Thevar in their village in the presence of huge number of village people and the petitioner who is a Law student studying 3rd year B.A. LLB and a resident nearby the place of occurrence, has been falsely implicated in the present crime. Thereafter, on the representations of the village people, the issue was resolved and the authorities also permitted the village people to conduct function at the disputed site. Hence, this petition.

4.The learned Government Advocate(Crl.Side) appearing for the 1st respondent/police, on instructions, would submit that there is no previous case filed against the petitioner and no untoward incident had taken place.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate(Crl.Side) for the 1st respondent/police. In view of the order going to be passed, notice to the 2nd respondent is not necessary.

6.Considering the submission made by the learned Government Advocate(Crl.Side) that no untoward incident had taken place during the alleged occurrence and there is no previous case pending against the petitioner and also the fact that the petitioner is a student of law, this Court is inclined to quash the impugned proceedings in respect of the petitioner alone. Accordingly, the case in P.R.C.No.21 of 2020 on the file of the Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, is quashed in respect of petitioner alone.

7.Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

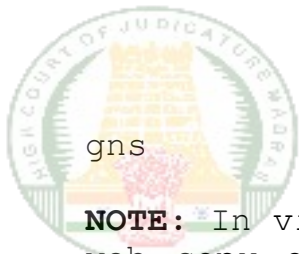
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

Copy to

- 1.The Judicial Magistrate No.II
Kovilpatti,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.14591 of 2020
11.12.2020

KB(30.12.2020) 3P 4C