



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No. 9874 of 2016

and

Crl.M.P.No.5203 of 2016

1.Ramu @ S.M. Bhuvaneshwaran/A3
2.Siva @ Sivakumar/A4
3.Sundarrajan/A6
4.Ditto @ Dittoraj/A7

... Petitioners

Versus

The State,
Represented by
The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai - 600 069
(Ref. Cr.No.908/2015 dated 01.10.2015)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in C.C.No.1 of 2016 on the file of District Munsif-Cum-Judicial Magistrate, Sriperumpudur and quash the same.

For Petitioners : Mr.C.Arun Kumar

For Respondent : Mr.E.Raj Thilak
Counsel for Govt. of TN
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1 of 2016 pending on the file of District Munsif-Cum-Judicial Magistrate, Sriperumpudur, which has been filed against the petitioners for the offences under Sections 147, 148, 294(b), 324, 326 and 506(ii) IPC.

2. The case of the prosecution is that one Kanniyappan lodged a complaint with the respondent police against the petitioners and three others states that on 01.10.2015, at

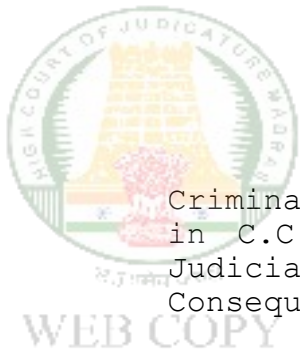


about 7.00 a.m. three persons namely Subash, Praveen and Silambarasan, all are the sons of a relative of the de-facto complainant were returning to their home after having completed their prayer at a temple and they were having a casual discussion. At that time, the accused and three others misunderstanding that the three persons were talking about them, picked up a wordy altercation with the relatives of the de-facto complainant. Thereafter, the accused persons attacked the de-facto complainant's group with casuarina logs and iron rods. Out of them, two sustained simple injuries and one was sustained severe injury. During the affray, one Jayasankar, who is the brother of the de-facto complainant, attempted to rescue the defacto complainant's group, in which, he was grievously hurt and the accused persons criminally intimidated and verbally abused the defacto complainant's group. Moreover, the accused threatened to kill the defacto complainant's group. Thereafter, the injured persons were admitted in Rajiv Gandhi Government Hospital, Chennai, and in this regard, a complaint was lodged with the respondent police. Based on which, the respondent police registered an FIR and subsequently, filed charge sheet, which was numbered as C.C.No.1 of 2016.

3.The learned counsel for the petitioners submitted that there was some dispute between two groups belonging to the same political party and they were attacking each other as well as both the group members sustained injuries. Hence, they preferred complaint against each other. Based on which, First Information Reports have been registered against them and thereafter, charge sheets have also been filed. He would further submit that on 01.10.2015, the petitioners along with other accused persons abused filthy language and assaulted the defacto complainant's group. Since there is a political dispute between the two groups, cases have been registered against each other. Hence, the learned counsel prays to quash the proceedings in C.C.No.1 of 2016 before the learned District Munsif cum Judicial Magistrate, Sriperumpudur. In support of his contention, the learned counsel appearing for the petitioners has relied upon the following decisions:-

- (i) Kumar and Ors v. State and Ors in CrI.O.P.No.12203 of 2017, dated 16.08.2019,
- (ii) P.Jaipal and Ors. v. The Sub Inspector of Police, Paramakudi Police Station,
- (iii) Kriuthika v. The State and Ors in CrI.O.P.Nos.25782 and of 2017, dated 22.11.2019 and
- (iv) Sakkarai Ramaswamy v. Alangara Muni and Ors, reported in 1990 L.W. (CrI.) P.151.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that 21 witnesses have been examined and the case in counter 14 witnesses have been



11. In the light of the above submissions, the Criminal Original Petition stands allowed and the proceedings in C.C.No.1 of 2016 on the file of District Munsif -Cum-Judicial Magistrate, Sriperumpudur, is hereby quashed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

1.The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai - 600 069
(Ref. Cr.No.908/2015 dated 01.10.2015)

2.The Public Prosecutor,
High Court, Madras.

3.The District Munsif cum Judicial Magistrate,
Sriperumpudur.

+2ccs to Mr.C.Arun Kumar, Advocate SR. No.40896

Crl.O.P.No. 9874 of 2016

NRL (CO)
PR (19/01/2022)