



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P. (MD)No.2272 of 2021

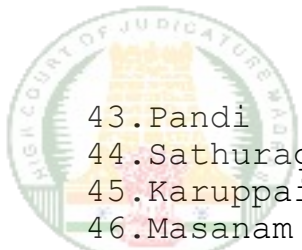
and

Crl M.P. (MD)No.1147 of 2021

WEB COPY

- 1.Mahalingam
- 2.Karan
- 3.Karutha Muthaiya @ Muthiya
- 4.Periyasamy
- 5.Vasimalai
- 6.Annakodi
- 7.Samayan
- 8.Rajaguru
- 9.Murugan
- 10.Nagaraj
- 11.Selvaraja
- 12.Nagar
- 13.Samayan
- 14.Palsamy
- 15.Kanthan
- 16.Nagaraj
- 17.Karuppaiya
- 18.Arun @ Arunkumar
- 19.Samayan
- 20.Thangappandi
- 21.Chelladurai
- 22.Mani @ Sundara Thavamani
- 23.Thikneshwaran
- 24.Kani
- 25.Parathiraja
- 26.Ramesh
- 27.Sundaraj @ Sundaram
- 28.Samayan
- 29.Pirabhu
- 30.Alex
- 31.Samayan
- 32.Mahalingam
- 33.Chellappan
- 34.Thavasi
- 35.Kumar
- 36.Rajkumar
- 37.Veeramani
- 38.Sasi @ Thavasi
- 39.Muthuselvam
- 40.Veerapathiran
- 41.Palsamy
- 42.Boopathi

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43.Pandi
44.Sathuragiri
45.Karuppaiya
46.Masanam
47.Raja
48.Sarath @ Sarathkumar
49.Karikalan

All are residing at
Sealnayakanpatti,
Elumalai,
Peraiyur Taluk,
Madurai District.

... Petitioners/Accused No.1 to 9, 11
to 35, 38 to 42, 44 to 46, 48 to 50 &
52 to 54 & 56.

Vs.

1.The Inspector of Police,
Elumalai Police Station,
Madurai.

(Crime No. 23 of 2020) ... Respondent/Complainant

2.J.Ramani,
Village Administrative Officer,
Sealnayakanpatti,
Elumalai Circle,
Madurai District.

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to Crime No. 23 of 2020 on the file of the Inspector of Police, Elumalai Police Station, Madurai District and quash the same.

For Petitioners : Mr.T.Palanisamy

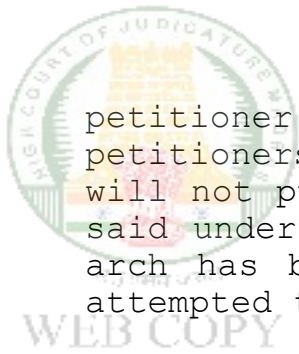
For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed for quashing the impugned FIR in Crime No.23 of 2020 registered on the file of Elumalai Police Station for the offences under Sections 147, 188, 153(A) IPC and Section 4 of Prevention of Damage to Public Property Act, 1984.

2. The said case came to be registered following the attempt of the petitioners to put up an arch across a public street. I wanted to know if any permission had been obtained from the concerned authority for putting up the arch. The learned counsel for the



petitioner replied that no such permission has been obtained. The petitioners further filed an affidavit giving undertaking that they will not put up any arch across the public street in question. The said undertaking affidavit is taken on record. It is seen that no arch has been constructed as on date. The petitioners have only attempted to dig a foundation.

3. Since nothing has happened, the question of invoking the provisions of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 may not really arise. Since no adverse consequence has ensued, the impugned prosecution need not be continued. The impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS IV)

mga/csm

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,
Elumalai Police Station,
Madurai District.
- 2.Village Administrative Officer,
Sealnayackanpatti,
Elumalai Circle,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.T.PALANISAMY,ADVOCATE SR NO: 35601

Crl O.P.(MD)No.2272 of 2021
and Crl M.P.(MD)No.1147 of 2021
19.11.2021

PS (CO)

GC/SKN(25.11.2021) 3P 5C

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