



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18559 of 2021

and

Crl.M.P. (MD)Nos.10243 and 10244 of 2021

1.P.V.Kathiravan
2.M.Pasumpon
3.P.Vadivel
4.R.Baskara Pandian
5.Redkasi @ Kasimayan
6.R.Thiruppathi
7.Mohan
8.R.K.Samy ... Petitioners/Accused Nos.1,2,5,7 to 10, 14
Vs.

1.State rep. by
The Inspector of Police,
South Gate Police Station,
Madurai. ... 1st Respondent/Complainant

2.M.Pandian ... 2nd Respondents/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned charge sheet in S.T.C.No.2631 of 2017 pending on the file of the learned Judicial Magistrate No.IV, Madurai and quash the same against the petitioners.

For Petitioners : Mr.S.Sadeskumar
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed for quashing the impugned proceedings in S.T.C.No.2631 of 2017 on the file of the learned Judicial Magistrate No.IV, Madurai.

2.The petitioners are facing trial for the offences under Sections 143, 188 and 341 of IPC. According to the prosecution, in violation of the prohibitory orders, the accused were found to have conducted a public meeting on 30.10.2017 between 07.00 pm to 10.00 pm. Crime No.835 of 2017 was registered on the file of South



Gate Police Station, Madurai, based on the information lodged by the jurisdictional Special Sub Inspector of Police (Law and Order). It has been held in the decision reported **2018(2) L.W (Crl.)606 (In Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another)** that prosecution for the offence under Section 188 of IPC at the instance of the local police will not lie. It is not the case of the prosecution that any adverse consequence ensued. The petitioners did not indulge in any act of violence. Therefore, the continuance of the impugned proceeding is not really warranted. The same stands quashed. The criminal original petition is allowed.

3.After the case was disposed of, I made a request to the learned counsel for the petitioners to contact the first petitioner as to whether, he would be willing to garland the photograph of Dr.Ambedkar on 06.12.2021 at Usilampatti. Yesterday ie., 25.11.2021, a petition was filed seeking permission to conduct the said programme near Murugan Temple. There was very strong opposition from the local police. They felt that since the statue of Shri.Pasumpon Muthuramlinga Thevar as well as Late Shri.P.K.Mookiah Thevar are located, it would not be advisable to hold the event at the said site. According to them, the place is communally sensitive. I could not appreciate the objections of the respondent police. Both Shri.Pasumpon Muthuramlinga Thevar as well as Dr.Ambedkar are national leaders. They cannot be confined to a particular community. I therefore directed the jurisdictional Deputy Superintendent of Police to permit the holding of the programme. However, the objection raised by the local police was really troubling my mind. Today, when this quash petition came up for hearing before me, I felt that if the first petitioner/P.V.Kathiravan could himself garland the photograph of Dr.Ambedkar at the said site, that would send the right signal to the entire society. Mr.P.V.Kathiravan is not only a lawyer but also an important political leader of the region. He is a former M.L.A. Mr.P.V.Kathiravan has graciously consented to take part in the programme even though it has not been organized by his political party. I place on record my immense appreciation for the gesture shown by Mr.P.V.Kathiravan. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

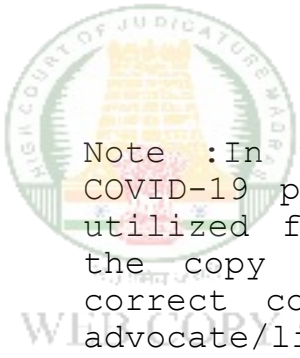
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/ /2021

Sub Assistant Registrar(CS)

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To:

- 1.The Judicial Magistrate No.IV,
Madurai.
- 2.The Inspector of Police,
South Gate Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P (MD) No.18559 of 2021
26.11.2021

sj(CO)
TR(06.12.2021) 3P 4C