



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**Cr1.OP(MD)No.14852 of 2017**

**and**

**Cr1.MP(MD)No.9891 of 2017**

WEB COPY

- 1.Saminathan
- 2.Ramesh
- 3.Karnan
- 4.Kesavan
- 5.Balu
- 6.Kaliyamoorthy
- 7.Murugan
- 8.Prakasam
- 9.Sathish
- 10.Tamilmani
- 11.Govindaraj
- 12.Paramasivam
- 13.Anandaraj
- 14.Anbu @ Govindaraj
- 15.Marimuthu
- 16.Chithiravelu
- 17.Karunanithi
- 18.Balakrishnan
- 19.Masilamani

: Petitioners/Accused

Vs.

- 1.State rep. by  
The Inspector of Police,  
Pappanadu Police Station,  
Thanjavur District.  
Crime No.149/2005

:Respondent/Complainant

- 2.Ayyakannu

: Respondent/Defacto Complainant

**PRAYER:** Petition filed under Section 482 of the Criminal Procedure Code to call for records relating to the proceedings in P.R.C.No.8 of 2011 on the file of the learned District Munsif cum Judicial Magistrate, Orathanadu and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.S.Deenadhayan  
For Respondents : Mr.R.Anandharaj,  
Additional Public Prosecutor  
for R.1  
No appearance  
for R.2

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**ORDER**

The petitioners before this Court are arrayed as accused in an incident said to have taken place in a village festival. They have filed this criminal original petition to quash the proceedings pending against them in P.R.C.No.8 of 2011 on the file of the learned District Munsif cum Judicial Magistrate, Orathanadu.

2. Learned Counsel appearing for the petitioners, by relying upon the order passed in Crl.OP(MD)No.19107 of 2013, dated 02.04.2014, wherein this Court has quashed the final report pending as against the first accused, prayed for extending the same benefit to the petitioners herein. He further submitted that the names of the petitioners are not even mentioned in the First Information Report and without any materials, the petitioners have been roped-in as accused in the case.

3. This Court has heard the submissions of the learned Counsel for the petitioner and the learned Additional Public Prosecutor, as well.

4. Perusal of record shows that the only averment available as against the first accused is that on his instigation, the other accused unlawfully assembled with deadly weapons and damaged the government property. Since the first accused was not present in the scene of occurrence and that no witnesses have spoken about the complicity or his presence or instigation, this Court has shown some indulgence and by order dated 02.04.2014, has quashed the proceedings pending against the first accused. Insofar as the other accused are concerned, there are specific overt acts against them and therefore, they cannot take advantage of the order passed in respect of the first accused.

5. It is a settled position of law that a First Information Report or a complaint is not an encyclopedia, where each and every minute details has to be recorded. During the course of investigation, the names of the petitioners are specifically mentioned by the Village Administrative Officer and other witnesses, based on which, their names were included in the final report.

6. Under such circumstances, this Court is not inclined to entertain this original petition and the same is accordingly, dismissed with liberty to the petitioners to raise all the grounds before the trial Court. However, considering the nature of offence, the trial Court shall dispense with the personal appearance of the petitioners, provided an undertaking affidavit is filed by them



ensuring their appearance as and when required by the concerned Court. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar(CS)

gk

To

- 1.The District Munsif cum Judicial Magistrate,  
Orathanadu.Thanjavur Dist.
- 2.The Inspector of Police,  
Pappanadu Police Station,  
Thanjavur District.
- 3.The Additional Public Prosecutor.  
Madurai Bench of Madras High Court,

**Cr1.OP(MD)No.14852 of 2017**

**27.04.2021**

CN(03.05.2021) 3P 4C