



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.11818 OF 2018

AND

CRL.M.P.NO.6237 OF 2018

Mr.K.Arunkumar, S/o Kathirvel

.. Petitioner/Accused

Versus

State Rep.By
Sub-Inspector of Police,
Jadarpallayam Police Station,
Namakkal District.
(Crime No.163 of 2013)

.. Respondent/Complainant

PRAYER : Criminal Original Petition (Crl.O.P) filed under Section 482 of the Code of Criminal Procedure Code (Cr.P.C), to call for the entire records in pursuant to S.T.C.No.537 of 2017, on the file the learned Judicial Magistrate, Paramathi and quash the same.

For Petitioner : Mr.K.Vijayaragavan

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl.Side)

ORDER

This Crl.O.P. has been filed to quash the proceedings, as against the petitioner in S.T.C.No.537 of 2017 on the file of the Judicial Magistrate's Court, Paramathi.

2. The petitioner herein is arrayed as A-35. The allegation in the final report is that, on 22.08.2013, at about 07 to 09 p.m., the accused persons unlawfully assembled there and involved in Road-Roko. They also prevented the vehicular movement and thereby, they committed the offences under Sections 147, 188 and 341 IPC. The allegations further show that the accused persons assembled for immediate action to prevent the



fire accident, which had happened in one of the houses in the village concerned.

3. Heard both sides and perused the entire materials available on record.

4. As far as this petitioner (A-35) is concerned, right from the stage of the First Information Report (FIR) and the statements recorded under Section 161 Cr.P.C., none of them had spoken about the presence of the petitioner. Except the general allegation that the villagers have gathered and involved in Road-Roko, no materials were unearthed by the prosecution. Therefore, this Court is of the view that, without any materials and without seeing the actual person who committed the offence (s), the continuance of prosecution, that too undergoing the ordeal of trial by the petitioner/accused, is nothing but a futile exercise.

5. Accordingly, this Criminal Original Petition is allowed. The charge sheet in S.T.C.No.537 of 2017, on the file the Judicial Magistrate's Court, Paramathi, are quashed as far as the present petitioner is concerned. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

psa/cs

To

1. The Judicial Magistrate, Paramathi.
2. -do- through The Chief Judicial Magistrate, Namakkal.
3. The Sub-Inspector of Police,
Jadarpallayam Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.11818 of 2018

PL(CO)

RLP(08/02/2022)