



CrI.O.P.No.22861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.22861 of 2022

and

CrI.M.P.No.14664 of 2022

- 1.Surya @ Kanchana
- 2.Sagadevan @ Sukadev
- 3.M.Pandi @ Chinnapandi
- 4.R.Dharmaraj
- 5.K.Thangavel

... Petitioners

Vs.

- 1.State rep. by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur City,
(Cr.No.552 of 2017)

- 2.Thirunavukarasu

... Respondents

PRAYER: Criminal Original Petition filed under 482 of Cr.P.C., pleased to call for the records pertaining to the Charge Sheet in S.C.No.88 of 2022 pending on the file of the Principal District Court, Tiruppur and quash the same.



Crl.O.P.No.22861 of 2022

For Petitioners : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.E.Raj Thilak for R1
Additional Public Prosecutor (crl.side)

ORDER

This Criminal Original Petition has been filed to call for records pertaining to the Charge Sheet in S.C.No.88 of 2022 for the alleged offences under Sections 147 of IPC and 3(1) of TNPPDL Act, 1992, pending on the file of the Principal District Court, Tiruppur and quash the same.

2. The learned counsel for the petitioners has submitted that the petitioners belongs to Puratchigara Jananayaga Munnani Ammaippu. They agitated on 07.05.2017 but they have not damaged any property belonging to the TASMACH shop or attacked any person. Simply they agitated not to conduct bar in that place. Therefore, the respondent police registered a case in Cr.No.552 of 2017 against the petitioners for the offences punishable under Sections 147 and 188 of IPC along with Section 3 (1) of TNPPDL Act. Subsequently, the Investigation Officer altered the FIR for offence



Crl.O.P.No.22861 of 2022

under Section 147 of IPC and Section 3 (1) TNPPDL alone and laid the charge sheet and it was taken on file and committed. Now it is taken on file before the Sessions Court in SC.No.88 of 2022. Since the petitioners only agitated and not involved in criminal activities or damaged any property, the criminal proceedings against them has to be quashed.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor (crl.side) has submitted that in this case, as per the statement given by the witnesses on 07.05.2017 at about 11.30 a.m., the people belonging to the Puratchigara Jananayaga Munnani Ammaippu entered into the bar of this defacto complainant and damaged 6 brandy bottles worth about Rs.3000/- and also caused damages to the property of the defacto complainant. In these circumstances, trial has to be conducted because it is not a proper agitation. Therefore, it is not appropriate to quash the criminal proceedings before letting evidence by the prosecution. Hence, he seeks dismissal of the case.



4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the first respondent police.

5. A perusal of the records reveals the fact that against these petitioners, the respondent police has registered a case in Cr.No.552 of 2017 for the offence punishable under Section 147 and 188 of IPC along with Section 3 (1) of TNPPDL Act, 1992. Subsequently, the Inspector of Police altered the offences into Section 147 of IPC and 3(i) of TNPPDL alone and filed final report and it was taken on file and committed to the Sessions Court and taken on file in S.C.No.88 of 2022. Instead of taking on file before the Judicial Magistrate in PRC.No.38 of 2020, it is committed to Sessions Court and it was taken on file in S.C.No.88 of 2022. Charges are framed and the same was posted for trial.

6. Now the learned counsel for the petitioners disputed the fact that only the petitioners agitated for running a TASMAC shop but have not entered



CrI.O.P.No.22861 of 2022

into the TASMACH shop or into neighbour building and not damaged any property as stated by the prosecution.

7. Considering the facts and circumstances of the case, this court is of the view that whether the petitioners have entered into the defacto complainant's bar or damaged the brandy bottles worth Rs.3000/- has to be investigated after letting prosecution witness. Therefore, these disputed facts has to be investigated only by letting prosecution witness before the trial court. No disputed fact can be decided while exercising power under Section 482. Therefore, I find no merit for quashing the criminal proceedings in S.C.No.88 of 2022 on the file of the Principal District Court, Tiruppur.

8. The learned counsel for the petitioners has submitted that the petitioners being a political party, their personal appearance before the trial court may be dispensed with during the trial of the case.

9. Considering the above submission made by the learned counsel for the petitioners, the personal appearance of the petitioners, is hereby



Crl.O.P.No.22861 of 2022

dispensed with on condition that they shall appear before the trial court for enquiry whenever required by the trial court. Further, the trial court is hereby directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

10. With the above observation, this Criminal Original Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
gv

13.10.2022



WEB COPY



CrI.O.P.No.22861 of 2022

To

1. The Principal District Court, Tiruppur.
2. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur City,
(Cr.No.552 of 2017)
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.22861 of 2022

V.SIVAGNANAM,J.

gv

Crl.O.P.No.22861 of 2022
and
Crl.M.P.No.14664 of 2022

13.10.2022