



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.123 of 2022
and
Crl.M.P. (MD)No.87 of 2022

1.A.Karthick
2.L.Yoges Kannan
3.M.Kaleeswaran
4.B.Baskaran
5.Guna @ Gunasekaran
6.K.Kaleeswaran
7.Visu @ Senthilkumar
8.U.Sanmugam
9.Marimuthu

... Petitioners

Vs.

1.The State rep by
The Sub Inspector of Police,
Kaliyarkovil Police Station,
Sivagangai District.
(Crime No.36 of 2018)

2.Singarayar

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the FIR registered in Crime No.36 of 2018 dated 02.02.2018 on the file of the 1st respondent police against the petitioner.

For Petitioners : Mr.H.Arumugam

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent. Though the complainant has been served and his name is printed, he has not chosen to enter appearance.

2.Even before commencing the submissions, the learned counsel for the petitioners submitted that dehors this criminal case, the

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first petitioner would make a independent voluntary contribution of Rs.5,000/- to the church in question. The first petitioner is directed to drop a sum of Rs.5,000/- in the undiyal box in the presence of the first respondent herein after duly intimating the Rev.father, who is taking care of the church. This shall be done within a period of one week from the date of receipt of a copy of this order. The undertaking given by the first petitioner through his counsel is recorded.

3.The impugned FIR was registered as early as on 02.02.2018. It is stated that the final report was already filed on 30.04.2018. But till date, it has not been taken on file. It is seen that the relationship between two communities had come under strain. That led to the registration of the impugned FIR. But no person has suffered any injury. The accused already have lodged objections to the proposal of the defacto complainant in taking the church chariot. Since no person has suffered injury and since more than four years have elapsed, the continuance of the impugned prosecution is not warranted. Therefore, the impugned FIR is quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Sub Inspector of Police,
Kaliyarkovil Police Station,
Sivagangai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-4354[F] dated 04/02/2022)

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RK(17/02/2022) 2P 4C

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