



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2066 of 2022

and

Crl.M.P. (MD)Nos.1525 and 1526 of 2022

Kan Ilango

... Petitioner/Sole Accused

Vs.

1.The State rep by,
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
(Crime No.71 of 2014)

... 1st Respondent/Complainant

2.Veerasigamani,
Village Administrative Officer,
Rameswaram Group (Incharge),
Rameswaram Taluk,
Bamban Group,
Ramanathapuram District.

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in C.C.No.168 of 2016 pending on the file of the learned District Munsif Cum Judicial Magistrate, Rameswaram in Crime No.71 of 2014 dated 28.11.2014 for an alleged offence under Section 153B(1)(a) of IPC and quash the same.

For Petitioner : Mr.T.Thirumurugan

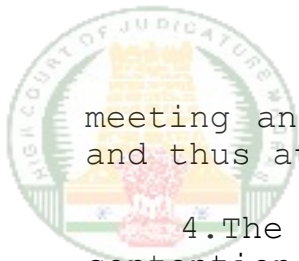
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2.The petitioner is facing trial in C.C.No.168 of 2016 on the file of Judicial Magistrate, Rameswaram for the offence under Section 153B(1)(a) of IPC.

3.The case of the prosecution is that on 07.11.2014 between 10.45 am and 01.30 pm, the petitioner had taken part in a public



meeting and while giving his speech had spoken the offending words and thus attracted the offence in question.

4.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to quash the impugned proceedings.

5.Per contra, the learned Additional Public Prosecutor submitted that no case for quashing has been made out.

6.I carefully considered the rival contentions and went through the materials on record. It is seen that during the relevant time, some Tamil fishermen were arrested by Srilankan Navy and later tried and also sentenced to death. To condemn the same, the programme had been organized. The petitioner is a resident of Rameswaram, a costal town. Therefore, feelings naturally ran high. It is quite possible that in the course of speech, the petitioner had crossed boundaries. But the question is whether that should necessarily invite prosecution. In this case, the information was lodged by the local Village Administrative Officer. All the witnesses are only official witnesses. The occurrence had taken place in the year 2014. The speech of the petitioner could have very well been videographed or audio recorded. But the police have chosen to rely on the shorthand notes. No adverse consequence ensued. More than 7 years have elapsed, since the occurrence took place. No purpose will be served in keeping the impugned proceedings alive. The impugned proceedings stand quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// 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 District Munsif Cum Judicial Magistrate,
Rameswaram.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-4045[F] dated
03/02/2022)

CrI.O.P(MD)No.2066 of 2022
02.02.2022

MGJ(18.02.2022) 3P 5C