



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P. (MD) .No.2642 of 2022
and Crl.M.P(MD) Nos.1962 and 1963 of 2022

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Mathivannan ...Petitioner/Accused No.13

Vs.

1.State rep. by
The Inspector of Police,
Thiruppathur Town Police Station
Sivagangai District ...Respondent/Complainant

2.Ravichandran ...Respondent/Defacto Complainant

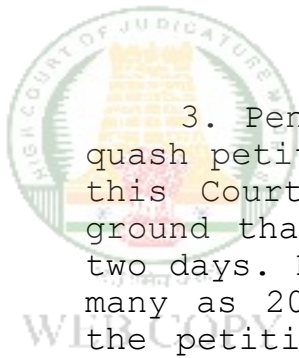
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in connection with the C.C. No.107 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District and quash the same.

For Petitioner	: Mr.P.Venkatasubramanian
For R-1	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C. No.107 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District

2.The case of the prosecution is that there is a dispute between two groups of people in Thiruvudaiyarpatti village in Sivagangai District regarding getting of first honour in the temple festival. The second respondent gave a complaint before the first respondent on 20.01.2012 at about 5.00 pm, and the first respondent police also registered a case against the petitioner and 19 others unnamed accused person for the offences under Sections 147,427,341,296 and 506(i) of IPC and after conducting investigation the respondent police filed final report before the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District and the same has been taken cognizance in C.C. No. 107 of 2013.



3. Pending trial the accused 4,5,6,8,9,10,14,15 and 20 filed a quash petition before this Court in Crl.O.P(MD) No.14021 of 2014 and this Court was pleased to quash the criminal proceedings on the ground that the complaint was given on 20.12.2012 with a delay of two days. During investigation the defacto complainant impleaded as many as 20 persons including the petitioner herein, based on that the petitioner was arrayed as accused. Admittedly the petitioner and the defacto complainant belongs to the same village and the complaint was lodged after two days from the date of occurrence. Further if the petitioner is involved in the occurrence definitely the defacto complainant would have mentioned the name of the petitioner at the time of lodging the complaint itself, whereas the defacto complainant has impleaded the petitioner at the time of giving statement under Section 161(3) of Cr.P.C. Further there are two groups in the village fighting for first honour and the petitioner's group is the rival group.

4. Considering the fact that the petitioner was impleaded as accused only at the time of recording statement under Section 161 (3) of Cr.P.C and also the fact the criminal proceedings has been quashed as against the other accused by this Court, the petitioner is also entitled for the same relief which was granted to the other accused persons.

5. In view of the, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C. No.107 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District, is quashed insofar as the petitioner concerned. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar(CS)

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To

1. The District Munsif cum Judicial Magistrate,
Thiruppathur, Sivagangai District

2. The Inspector of Police,
Thiruppathur Town Police Station
Sivagangai District



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

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