



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16/02/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.5536 of 2019

and

Crl.MP (MD)Nos.3573 and 3574 of 2019

WEB COPY

1.Vairamani
2.Bose
3.Chelliah @ Chellavelu
4.Veerapathiran
5.Kannammal
6.Raman
7.Ravichandran
8.Ramesh

: Petitioners/A1 to A8
Vs.

1.The State rep. By
Inspector of Police,
Thallakulam Police,
Madurai City.
(CrimeNo.480 of 2017)

: R1/Complainant

2.R.Jeya : R2/De-facto complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records the records pertaining to the case in PRC No.58 of 2019 on the file of the Judicial Magistrate No.II, Madurai in Crime No.480 of 2017 on the file of the respondent police, dated 24/03/2017 for the offences under sections 147, 341, 353 IPC and Section 3(1) of TNPPDL Act, 1984 as against these petitioners.

For Petitioner	: Mr.S.Balamurugan
For 1 st Respondent	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor
For 2 nd Respondent	: Mr.R.Murali

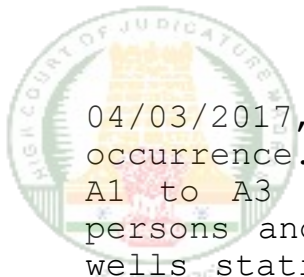
ORDER

This petition has been filed by the petitioners seeking quashment of the to the case in PRC No.58 of 2019 on the file of the Judicial Magistrate No.II, Madurai in Crime No.480 of 2017 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

As per the Government scheme, for the purpose of providing drinking water to the public, contract was given to the contractor viz., AMR Engineering Construction and on 01/03/2017, the contractor went to the place of occurrence along with the machineries. On

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

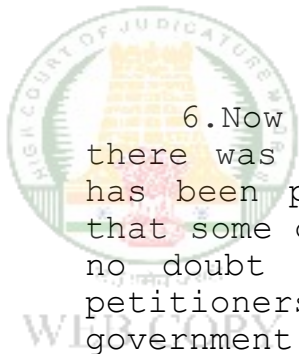


04/03/2017, eight bore-wells were erected in the place of occurrence. After completing the work, when he was about to start, A1 to A3 came to the place of occurrence along with some other persons and they also made protest over the erection of the bore-wells stating that if huge bore-wells are put up, the ground water level may go down and the residents may not in a position to get sufficient water. That was intimated to the Assistant Engineer namely Jeyam, who is the de-facto complainant herein and she along with the the Assistant Engineer Alexandar and the contractor Sivakumar went to the place of occurrence along with other officials for the purpose of fixing motors. At that time, the accused persons came to the place of occurrence and prevented the Government Officials from discharging their official duty and also damaged the bore-wells worth about Rs.9,73,885/-. They also put up stones inside the bore-wells. So, based upon the complaint given by the de-facto complainant, the case was registered. After completing the investigation, now final report has also been filed before the committal court and now, it is pending in the committal stage.

3. Seeking quashment of the above said proceedings, this petition came to be filed by the petitioners mainly on the ground that subsequent to the above said occurrence, on the basis of the compromise reached between the contractor and the accused persons, the damage was set right and bore wells also repaired and brought to the functioning state. They also remitted the damaged amount. Based upon the above said compromise, the contractor stated that there is no objection if the government officials wants to drop the proceedings or withdraw the complaint.

4. Heard both sides.

5. At the out set, the learned counsel appearing for the petitioners by relying upon some of the photographs has submitted that the actual damage has been caused only by the school students and not by the accused persons and the villagers. The photographs shows that the school boys gathered in the place and are doing some activities. Whether this was subsequent to the above said damage by the accused persons or before that, is not clear on record. No time and dates also captured in the photographs. So from this, this court cannot come the conclusion that the petitioners are not involved in the above said occurrence. It is further submitted that the petitioners 3 and 4 were not at all available in the place of occurrence and for that purpose, they also produced the copy of the attendance register in respect of A3 namely Chelliah @ Chellavelu, wherein it has been stated that on the particular date of occurrence, on 23/03/2017, he was attending his work. Similarly in respect of A4 namely Veerapathiran, he was working as conductor in Tamil Nadu Government State Transport Corporation. On that particular date of the occurrence, he was doing his duty. But these documents cannot be taken into account at this stage. Hence, it is a
<https://hccvtsccourtsgov.in/jsp/posr> proper proof, if trial is undertaken.



6.Now the only ground available to the petitioners is that there was subsequent compromise, by which the entire damage amount has been paid and the contractor was also given a consent letter that some of the bore wells are brought to the functioning level. So no doubt apprehending depletion of the ground water level, the petitioners along with the accused caused damage and prevented the government officials from discharging the official duty. It is absolutely misconceived fair on the part of the petitioners. They ought to have properly verified the position with the Government. Without resorting such a legal proceeding, they involved in such type of activities.

7.It is submitted by the learned counsel appearing for the 2nd respondent stating that with regard to the compromise that has been reached by the petitioners and the contractor, they are not involved and they are also not aware of it. But he would submit that it is true to say that all the bore wells are being repaired and the amount was also paid to the contractor.

8.No doubt, what they have done are not proper and criminal activities. But the facts and circumstances of the case clearly shows that it is clear misconception into the minds of the accused. It is nothing, but an act of fear without any intention to cause damage to the government property. Now they have also compensated the same and rectified defects, I am of the considered view that no useful purpose is going to be served by subjecting the petitioners to undergo the trial.

9.So In view above said facts, this criminal original petition is **allowed**. The entire proceedings in PRC No.58 of 2019 on the file of the Judicial Magistrate No.II, Madurai is hereby quashed as against the petitioners. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

er

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 Judicial magistrate No.II,
Madurai.
- 2 The Inspector of Police,
Thallakulam Police,
Madurai City.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH
COURT,
MADURAI.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-6986[F] dated 18/02/2022)

Crl.O.P. (MD)No.5536 of 2019
16/02/2022

SS/02.03.2022 : 4P/5C