



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.6273 of 2019

and

Crl.MP(MD)No.4144 of 2019

1.M.Subramaniam

2.P.Muthusamy

: Petitioners/A1 and A2

Vs.

1.The State through

Inspector of Police,

Pasupathipalayam Police Station,

Karur District.

(Crime No.360 of 2018) : 1st Respondent /Complainant

2.Rajendran,

I/C Branch Manager,

Tamil Nadu State Transport Corporation Ltd.,

Karur Division,

Karur Branch II,

Karur District.

: 2nd Respondent/ Defacto-Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the case in CC No.14 of 2019 on the file of the Judicial Magistrate No.1, Karur and quash the same.

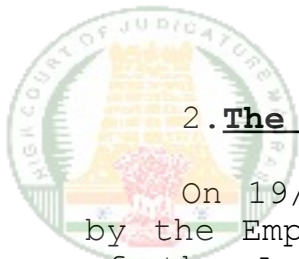
For Petitioners : Mr.R.Alagumani

For 1st Respondent : Mr.P.Kottai Chamy
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance

O R D E R

The petition has been filed seeking quashment of the case in CC No.14 of 2019 on the file of the Judicial Magistrate No.1, Karur.



2.The case of the prosecution in brief:-

On 19/06/2018 at about 11.00 am, a demonstration was conducted by the Employees Union and in the demonstration the office-bearers of the Association spoke. During the speech, they defamed the officials and criminally intimidated them and also abused them in filthy language. Those speeches were recorded by the co-accused and they have also exchanging through social media. Based upon the complaint given by the Branch Manager In-charge, Tamil Nadu State Transport Corporation Kumbakonam Limited, a case was registered in Crime No.360 of 2018 for the offence under sections 294(b), 355 IPC and sections 66A(C) and 67 of the Information Technology Act and after completing the formalities of investigation, it was taken cognizance in CC No.14 of 2019 by the Judicial Magistrate No.1, Karur.

3. Seeking quashment of the same, this petition has been filed by the accused persons on the ground that none of the allegations mentioned in the FIR attract any of the ingredients of the offences.

4. Heard both sides.

5. Noting that it was the emotional speech that was made by some of the speakers, the court directed the petitioners to offer the unconditional apology letter for their speech. So on that ground, an affidavit has also been filed by the first petitioner stating that he is aged about 61 years, which means that now he retired from service. He has stated that he was working as Driver in the Tamil Nadu State Transport Corporation, Karur and retired from service, on 31/07/2018 and he was a Trade Union activist during that period. Demonstration was done, when the employees salary were not disbursed by the Corporation. Only to express their grievance and demanding payment of salary, the above said demonstration was conducted and absolutely, he had no previous enmity with the higher officials. Out of the emotion, the above said speech was given and he did not have any intention to defame, insult and abuse any higher officials. But however, he has tendered his unconditional apology.

6. The second petitioner has filed an affidavit stating that he was working as Conductor during the relevant period of time and participated in the demonstration. He has also stated that he uploaded all the videos of the meeting without any personal interest. During the course of investigation, his mobile phone was seized by the police. So on that ground, he has tendered his unconditional apology. It appears that now, he is working in the State Transport Corporation. So because of the unintentional act and spreading the video of the meeting, his future should not be spoiled. So the unconditional apology letter, that was circulated by the second petitioner. I am of the considered view that since there is no personal enmity between the higher authorities and the accused persons, no useful purpose is going to be served in keeping the



criminal proceedings pending. So, the entire proceedings against the petitioners are liable to be quashed.

7. In the result, this criminal original petition is **allowed**. The case in CC No.14 of 2019 on the file of the Judicial Magistrate No.1, Karur, is hereby quashed against the petitioners. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/06/2022

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 Judicial Magistrate No.I,
Karur.
- 2.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-22739[F] dated 29/04/2022)

Cr1.OP(MD)No.6273 of 2019
29.04.2022

RD(24.06.2022) 3P 5C