



Crl.O.P.(MD) No.12039 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.12039 of 2022

and

Crl.M.P.(MD).Nos.7610 and 7611 of 2022

1.Adhithan

2.Nagasamy

3.Panneer Selvam

4.Palani Vel

5.Muthu Krishnan

6.Murugesan

7.Selvaraj

8.Arjunan

9.Balu

...Petitioners

Vs.

1.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
(Crime No.134 of 2019).



Crl.O.P.(MD) No.12039 of 2022

WEB COPY

2.Panneer Selvam,
Government Official Non-Gazetted,
Village Administrative Officer,
Kanjirankudi Group,
Kanjirankudi,
Ramanathapuram.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the pertaining to the final report in STC.No.155 of 2020 on the file of the learned Judicial Magistrate No.I, Ramanathapuram in Crime.No.134 of 2019 dated 25/08/2019 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

For Petitioners : Mr.T.Lajapathi Roy

For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to quash the final report in STC.No.155 of 2020 on the file of the learned Judicial Magistrate No.I, Ramanathapuram in Crime.No.134 of 2019 dated 25/08/2019 on the file of the first respondent.



Crl.O.P.(MD) No.12039 of 2022

WEB COPY

2.The learned counsel for the petitioner submitted that the petitioners conducted VadaMadu Manjuviratu festival during Krishnajayanthi on 25.08.2019. It is a customary function conducted in the Villages. But the second respondent given a complaint that without permission, they are conducting the festival. Hence, a complaint was registered against the petitioners by the second respondent and a case was registered in Crime No.134 of 2019 dated 25.08.2019 for offences under Sections 143, 289 I.P.C. r/w Section 22 of Prevention of Cruelty of Animal Act, 1960 before the first respondent and the case was taken on file by the learned Judicial Magistrate No.I, Ramanathapuram in S.T.C.No.155 of 2020. the learned counsel for the petitioner further submitted that as the petitioners have not committed any offence as charged for offences under Sections 143, 289 I.P.C. r/w Section 22 of Prevention of Cruelty of Animal Act, 1960 and hence he pleaded to quash the proceedings.

3. The learned Additional Public Prosecutor appearing for the respondents would submits that the case was taken on file in S.T.C.No.



Crl.O.P.(MD) No.12039 of 2022

WEB COPY

155 of 2020 and the case is posted on 13.07.2022 for the appearance of the petitioners accused. In the meanwhile, this petition is filed for quashing the criminal proceedings.

4. I have considered the submission of the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

5. On perusal of records the fact reveals that on 25.08.2019, the petitioners celebrated the Krishnajayanthi festival in their Village. In that function, they conducted Vadamaadu Manjuviratu as a part of celebrating the function. It is not disputed that they are unlawfully assembled under Section 143, they failed to keep the animal in custody and it would cause danger to human life, or any probable danger of grievous hurt from such animal under Section 289 and they humiliate the animal under Section 22 of Prevention of Cruelty of Animal Act, 1960. But apparently, the animal have not caused any grievous hurt to any one and the petitioners did not involve in the humiliation of animal. They only conducted Manjuviratu,



Crl.O.P.(MD) No.12039 of 2022

and there is no statement recorded by the Police that animals caused any grievous hurt to any one of the persons in the villages and also there is no evidence collected by the prosecution for humiliating the animals. Under these circumstances, I find that the continuation of criminal proceeding is abuse of process of law. Hence, no offence is made out under Sections 143, 289 I.P.C. r/w Section 22 of Prevention of Cruelty of Animal Act, 1960. Under these circumstances, having the criminal proceedings against the petitioners is abuse of process of law. Hence the criminal proceeding in S.T.C.No.155 of 2020 on the file of the learned Judicial Magistrate No.I, Ramanathapuram is hereby quashed.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

05.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
Nsr

5/7



CrI.O.P.(MD) No.12039 of 2022

WEB COPY To

- 1.The Judicial Magistrate No. I,
Ramanathapuram.
- 2.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
- 3.The Village Administrative Officer,
Kanjirankudi Group,
Kanjirankudi,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD) No.12039 of 2022

V.SIVAGNANAM, J.

Nsr

CrI.O.P.(MD) No.12039 of 2022

05.07.2022