



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 18617 of 2021 and

CRL.M.P.(MD)No.10304 of 2021

WEB COPY

R.Mani @ Manikandan

... Petitioner / Accused No.11

Vs.

1. State rep. By,
The Inspector of Police,
Kamuthi police station,
Ramanathapuram District.
(Crime No.729 of 2021) ... 1st Respondent / Complainant

2. Jeyaprakasam ... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.729 of 2021 on the file of the respondent police and quash the same.

For Petitioner : Mr.S.Ramsundarvijayaraj

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2. The petitioner has been named as 11th accused in Crime No.729 of 2021 registered on the file of Kamuthi police station for the offences under Sections 147, 294(b), 341, 353 and 506(ii) of I.P.C. and Section 3(1) of the Prevention of Damage to Public Property Act, 1984. The incident took place on 29.10.2021 at about 06.00 p.m. The occasion was Thevar Jayanthi. A group of youngsters had stopped the Tahsildar's vehicle and were found dancing on the bonnet. The entire incident had been videographed.

3. When the matter was taken up for hearing on the last occasion, I adjourned the matter to enable the police to find out from the footage if the petitioner could be identified. I made it clear that if the petitioner has been found committing any unlawful



act, then I will dismiss this criminal original petition.

4. Today when the matter was taken up for hearing, it is submitted that the petitioner's identity could not be established from the video footage. There is nothing on record to show that the petitioner committed any of the offending acts. The petitioner is aged 19 years. Pendency of the impugned First Information Report would definitely affect his life and future.

5. The petitioner asserts that he did not participate in the occurrence in question. There is nothing on record to implicate the petitioner in the criminal case. Keeping the petitioner's name in the list of accused is not fair. Therefore, the impugned First Information Report is quashed as far as the petitioner is concerned. The prosecution will go on against the other accused. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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 Inspector of Police,
Kamuthi police station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-1925[F] dated 20/01/2022)

Crl.O.P. (MD)No.18617 of 2021
19.01.2022