



Crl.OP(MD)No.18758 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.OP(MD)No.18758 of 2021

and

CRL.MP(MD)Nos.10392 & 10393 of 2021

1.Vetrivel

2.Karthick @ Karthikeyan

3.Vanarayan

4.Muthukaruppan

5.Bala

6.Ragudravid @ Rahul Dravid

7.Vijay

8.Anbu @ Anbarasan

9.Muthupandi

10.Manikandan

1.Mariyappan

... Petitioner /s
Accused Nos.16 to 18, 21, 25 to 31



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VS.

1.The Inspector of Police,
Samayanallur Police Station,
Madurai District,
in Crime No.170 of 2019

...1st respondent /
Complainant

2.Mariyappan
Village Administrative Officer,
Paravai II Bit,
Kulamangalam Pirka,
Madurai North Taluk,
Madurai District.

... 2nd Respondent /
Defacto Complainant

3.John Selvam S/o.Peter Krishnan

4.Doss S/o.Peter Krishnan

...3rd and 4th respondents

(R3 and R4 were suo motu impleaded
vide order dated 20.12.2021)

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC, to call for the records in PRC No.22 of 2020 on the file of the learned Judicial Magistrate, Vadipatti and quash the same against the petitioners.

For Petitioners : Mr.P.T.Ramesh Raja
For R1 : Shri.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R3 & R4 : Mr.C.M.Arumugam



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ORDER

Heard the learned counsel on either side.

2.This petition has been filed to quash the impugned proceedings in PRC No.22 of 2020 on the file of the Judicial Magistrate, Vadipatti. Crime No.170 of 2019 was registered on the file of the Inspector of Police, Samayanallur Police Station based on the complaint of the jurisdictional Village Administrative Officer. To quash the FIR, five of the accused filed Crl OP(MD)No.4498 of 2020. When the case was taken up for hearing on 13.03.2020, it was submitted by the learned Government counsel, final report has not been filed. The matter was adjourned and the Investigation Officer was restrained from filing the final report. However, in violation of the order passed by this Court, final report came to be filed and taken on file in PRC No.22 of 2020 against as many as 40 persons. In fact, the interim order was passed in the presence of the government counsel. One of the petitioners therefore filed Contempt Petition (MD) No.300 of 2021.

3.The petitioners belong to Hindu Kattu Naicker community which has been recognized as Scheduled Tribe. They are living in Kattunaicker Street, Sathiyamoorthy Nagar in Samayanallur, Madurai District. A section of the people



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got converted to Christianity. The specific allegation of the petitioners is that some of the converts have indulged in abuse of their customary practices in social media. They were also conducting prayer meetings. During such meetings, outsiders participated and vilified the Hindu religion. It is this that led to the occurrence in question.

4. Even though the jurisdictional VAO is the defacto complainant, the issue is essentially between the petitioners on the one hand and one John Selvam and Doss on the other. I convened a meeting of the parties in my chamber and persuaded them to bury the hatchet. The respondents 3 and 4 have filed a memo before this Court. They have indicated that if the case registered against them can also be given quietus, they may not have any objection for quashing the impugned proceedings.

5. It is well settled that if a place has to be used for public religious worship, then, even before constructing the building, prior approval must have been obtained from the District Collector. Admittedly, the third respondent had not obtained any such prior permission. I have no hesitation to hold that the activities of the third respondent were in clear violation of the building rules. The materials placed before me indicate that since prayer meetings were illegally conducted, it gave rise to



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considerable tension in the locality. The duty of the authorities is to prevent such illegal meetings. Since the authorities failed intervene in the matter, the petitioners and others stepped in. The FIR has been registered as many as 40 persons. Even according to the final report, the accused had only damaged two two wheelers. The specific stand of the petitioners is that the vehicles are remaining intact without any damage. Interestingly, final report has been filed only for the offences under Sections 341, 143, 294(b) and 427 of IPC. The petitioners are the residents of Sathiyamoorthy Nagar. Assembly of the local residents in their locality can never constitute unlawful assembly. The object was to ensure that illegal prayer meetings are not conducted. This can never be an unlawful object. The fact that no injury was caused to the members of the opposite group would by itself indicate that the accused in PRC No.22 of 2020 are a law abiding group. There appears to have been a verbal altercation between the two groups. Mariappan, the 11th petitioner herein had lodged a complaint leading to registration of Crime No.169 of 2019. As a counter blast, Crime No.170 of 2019 was lodged by the third respondent herein. I am satisfied that a minor verbal altercation has been given an exaggerated colour. Since the final report was filed in clear and flagrant breach of the interim order granted by this Court in Crl OP(MD)No.4408 of 2022, the impugned proceedings stand quashed.



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6.This criminal original petition is allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

08/09/2023

Sub Assistant Registrar(CS)

skm

To:

1.The Judicial Magistrate, Vadipatti.

2.The Village Administrative Officer,
Paravai II Bit, Kulamangalam Pirka,
Madurai North Taluk, Madurai District.

3.The Inspector of Police,
Samayanallur Police Station,
Madurai District,

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

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-15744[F] dated 31/03/2022)



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+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-15747[F] dated 31/03/2022)

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and

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30.03.2022

DL/(08.09.2023)/ 7P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.