



Crl.O.P.(MD)No.397 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)No.397 of 2022
and
Crl.M.P.(MD)Nos.306 & 307 of 2022

- 1.Ragunathan
- 2.Kandasamu
- 3.Ganesan
- 4.Subramanian
- 5.Senthil @ Colony Senthil
- 6.Prabhu
- 7.Ilavarasu
- 8.Senthilkumar
- 9.R.S.Raja
- 10.Gopinath
- 11.Karthick
- 12.C.K.Raja
- 13.Arvinsh
- 14.Thambi
- 15.Asinkarthick @ Karthikeyan
- 16.Ashokumar
- 17.V.P.Sekar
- 18.Saravanamoorthi



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19.S.Saravanan

20.M.Vikram

...Petitioners

vs.

1.The State rep by
Inspector of Police,
CBCID South,
Karur District
Crime No.2 of 2020

2.T.Anbalagan

...Respondents

PRAYER:

Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to call for records relating to C.C.No.14 of 2021 on the file of the learned Judicial Magistrate No.I, Karur and quash the same as illegal.

For Petitioners : Mr.K.Sivabalan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor, for R1

ORDER

This criminal original petition has been filed to quash the proceedings pending in CC.No.14 of 2021 on the file of the learned Judicial Magistrate No.I, Karur.



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2. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

3. The case of the prosecution is that A1 came to the office of the District Collector along with a group of persons to give representation. A1 was questioned as to why there is congregation without following the COVID protocol. That apart, it was also seen that some of the persons, who accompanied A1, did not wear mask. There was a wordy quarrel and at that point of time, A1 was said to have made derogatory remarks against the District Collector. Based on his complaint, a FIR came to be registered in Crime No.2 of 2020. The investigation was completed and a final report was filed before the Court below and it was taken on file in C.C.No.14 of 2021 for offence under Section 143 read with 109, 153, 353 and 506(2) of IPC and Section 52(a) of the Disaster Management Act, 2005.

4. The entire incident seem to have happened in a spur of the moment and that too, during the pandemic period. The facts of the present case can be brought within the scope of Section 95 of IPC and no useful purpose will be served by making the accused persons undergo the trial.



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5. In view of the above, this criminal original petition is allowed and accordingly, the proceedings in C.C.No. 14 of 2021 on the file of the learned Judicial Magistrate No.I, Karur, is hereby quashed. Consequently, the connected miscellaneous petitions are also closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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N. ANAND VENKATESH, J.

nsa

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and Crl.M.P.(MD)Nos.306 & 307 of 2022

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