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CrI.OP.No.15605 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.15605 of 2021

and

CrI.MP.No.8499 of 2021

- 1.Sekar
- 2.Suresh
- 3.Sankar
- 4.Selvam
- 5.Ramesh
- 6.Sumathi

... Petitioners

Vs.

- 1.The Inspector of Police,
Kondalampatti Police Station,
Salem City
Crime No.80 of 2020
- 2.Murugesan

... Respondent

PRAYER:

Criminal original petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the charge sheet in CC.No.533 of 2020 on the file of the learned Judicial Magistrate No.V, Salem and to quash the same against the petitioner.



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For Petitioners

: Mr.M.Senthilkumar

For Respondents

For R1

: Mr.A.Gopinath,
Government Advocate(crl.side)

For R2

: No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC.No.533 of 2020 on the file of the learned Judicial Magistrate No.V, Salem, thereby taken cognizance for the offence under Sections 147, 294(B), 341, 323 and 506(ii) of IPC as against the petitioners.

2. Though notice was served on the second respondent, no one appeared before this Court on behalf of him either in person or through pleader.

3. The case of the prosecution is that the first petitioner and second respondent were allotted as Dharmakartha in the Arulmigu Mariamman Thirukoil and due to the appointment to the Dharmakartha post, quarrel arose between the petitioners and the defacto complainant and thereby on



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04.02.2020 at about 10.15 p.m., the petitioners waylaid the defacto complainant and used filthy language against him. They also attacked him with hands and legs. Hence, the first respondent police registered a case in crime No.80 of 2020 for the offence under sections 147, 294(B), 341, 323 and 506(ii) IPC as against the petitioners. After conducting enquiry, the 1st respondent police filed charge sheet in C.C.No.533 of 2020 for the offence under sections 147, 294(B), 341, 323 and 506(ii) IPC.

4. There are totally six accused. On perusal of records, revealed that the first petitioner is the Dharmakarthha of the temple called Arulmighu Mariamman Thirukovil, Morampukadu, Sivathapuram, Salem as heredity of the said temple and his father and great grandfather were hereditary trustee of the temple. There was dispute in respect of rights over the temple. Therefore, the first petitioner filed suit in OS.No.30 of 2020 for permanent injunction restraining the second respondent and others from interfering with the management of the temple. Therefore, the second respondent and other rowdy elements threatened the petitioners with dire consequences and also prevented them from doing even daily poojas for the temple. On 26.01.2020, the second respondent and other rowdy elements came to the temple and once again they



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prevented him from conducting any pooja. Therefore, the first petitioner

lodged complaint on 26.01.2020 and he was issued CSR.No.83 of 2020

However, the first respondent did not register any FIR and did not take any action as against the second respondent and others. It is seen that on 29.01.2020, there was a peace committee meeting conducted by the Tahsildar of Salem, in which also the second respondent created law and order problem. In fact, he attacked the petitioners and their relatives. Therefore, the first respondent registered FIR in crime No.79 of 2020 for the offence under Sections 147, 148, 294(b), 341, 323, 324 and 506(ii) of IPC as against the second respondent and others, due to which the present complaint has been lodged as against the petitioners.

5. That apart, all the allegations are bald and vague and no specific allegations as against the petitioners. Without any injury, the first respondent charged the petitioners for the offences under Section 323 of IPC. Even according to the second respondent, the petitioners attacked by their hands. Therefore, admittedly there was temple rights issue between the petitioners' group and the second respondent. In fact, the petitioners also filed suit and it is pending as against the second respondent and others in OS.No.30 of 2020 on



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the file of the District Munsif Court, Salem. That apart, all the allegations are trivial in nature and as such, in order to meet the ends of justice, this Court is inclined to quash the impugned proceedings.

6. Accordingly, the entire proceedings in CC.No.533 of 2020 on the file of the learned Judicial Magistrate No.V, Salem is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

06.11.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The learned Judicial Magistrate No.V,
Salem
- 2.The Inspector of Police,
Kondalampatti Police Station,
Salem City
- 3.The Government Advocate,
High Court of Madras

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