



WEB COPY

Crl.O.P.No.22514 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22514 of 2023

and

Crl.M.P. Nos.15706 & 15710 of 2023

- 1.Pachamuthu
- 2.Murugesan
- 3.Saravanan
- 4.Boopathi
- 5.Vijay
- 6.Seeni @ Srinivasan
- 7.Anand
- 8.Mariyappan
- 9.Arumugam
- 10.Mohan @ Mohanraj
- 11.Selvam @ Selvakumar
- 12.Manikandan
- 13.Sathya
- 14.S.Anbarasu

... Petitioners

-VS-



1.State Represented by its,
The Inspector of Police,
Kondalampatti Police Station,
Salem.
(Cr. No.79 of 2020)

2.Sekar

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.NO. 1210 of 2020 on the file of the Judicial Magistrate No.V, Salem and quash the same.

For Petitioners : Mr.M.Mohamed Riyaz

For Respondent No.1 :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This petition is filed to quash the final report taken on file by the learned Judicial Magistrate No.V, Salem and assigned C.C. No.1210 of 2020.

2. The petitioners, claiming that there is a dispute between the Dharmaharthas of Arulmighu Mariyamman Temple at Morambakkadu followed by a Civil Suit filed by the second respondent herein in O.S. No.30 of 2020 on the file of the learned II Additional District Munsif, Salem against the first petitioner, seeking injunction. Whiles, on 04.02.2020 at 10.15 p.m, when the petitioners were performed procession of the deity, quarrel has been erupted between the two groups.



3. The second petitioner herein lodged a complaint against the second respondent and others, the same has been taken for investigation by the respondent police in Crime No.80 of 2020, which has culminated in filing final report. The learned Judicial Magistrate No.V, Salem has taken cognizance of the offence and assigned C.C. No.533 of 2020. Whiles, the first respondent police has also registered a complaint against these petitioners in Crime No.79 of 2019 in respect of the very same incident and the said case has culminated in C.C. No.1210 of 2022. Both the case and case in counter are pending before the learned Judicial Magistrate No.V, Salem, wherein, the second respondent and his men are the aggressors. However, they were able to manipulate to file a final report for offence under Sections 147, 148, 294(b), 341, 323, 324 and 506(ii) IPC.

4. Citing of the judgment in the grounds of appeal and findings of the Court regarding the ingredients of the above mentioning Sections, the learned counsel for the petitioner submitted that a case warrants interference by the High Court by exercising power under Section 482 Cr.P.C, in the light of the judgement rendered by the Hon'ble Supreme Court in the ***State of Haryana Vs. Bhajanlal*** reported in ***(1992 Supp (1) SCC 335)***.

5. The learned Government Advocate submits that since there was dispute between Hereditary Dharmaharthas and Appointed Dharmahartha in respect of managing the temple, the Tahsildar called both the parties and



convened a peace committee meeting. Wherein, the parties did not agree for an amicable settlement. Hence, order was passed by the Tahsildar that neither of the parties should perform the procession. Defying the order of the Tahsildar, the petitioners proceeded with the deity procession on 04.02.2020 which has led to clash between the two groups. Members of both the groups sustained injuries caused by weapon by members of unlawful assembly and therefore, two cases in Crime Nos.79 of 2020 and 80 of 2020 was registered. After investigation, final report been filed and taken cognizance by the learned Judicial Magistrate.

6. In the light of the above facts, this Court finds that by defying the order of the Executive Magistrate, the petitioners have proceeded with deity procession leading to clash between two parties, causing injuries to each other. Hence every ingredients required to proceed against them for the offence under Sections 147, 148, 294(b), 341, 323, 324 and 506(ii) IPC are prima facie made out. Hence, this Court finds no merits in this petition to quash and this petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

24.11.2023

Internet : Yes/No
Index : Yes/No
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To

- 1.The Judicial Magistrate No.V,
Salem.
2. The Inspector of Police,
Kondalampatti Police Station,
Salem.
- 3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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