



Crl.O.P.No.33 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.33 of 2023

in

Crl.M.P.Nos.32 and 33 of 2023

1.Sarathy

2.Suresh

3.Purushothaman

4.M.Sridhar

5.Murugan

...

Petitioners

VS

The State represented by its,
The Inspector of Police,
(L&O), D3, Ice House Police station,
Triplicane, Chennai – 600 005.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records relating to the Criminal Case in CC.No.6876 of 2022 on the file of II Metropolitan Magistrate Court, Egmore, Chennai, quash the same.

For Petitioners

...

Mr.Venkataswamy Babu

For Respondent

...

Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the Criminal Case in CC.No.6876 of 2022 on the file of II Metropolitan Magistrate Court, Egmore, Chennai, quash the same.

2. It is the submission of the learned counsel for the petitioners that, on a petition filed by Suresh S/o. Mohanasundaram, a permission was granted by the Sub Inspector of Police, Ranipet Police Station, Chennai for installing Vinayagar statue at No.100/213, V.R.Pillai Street. Despite, giving permission, a case was registered against the petitioners for the offences under Sections 143, 188 and 353 of IPC in Crime No.1319 of 2016, which was later altered into Sections 143 and 353 of IPC r/w. 7(1)(a) of Criminal Law Amendment Act, 2005. Therefore, the allegations made that, Vinayagar statue was installed without getting permission is not correct and initiation of criminal proceedings is also not correct.

3. Learned Government Advocate (Criminal side) submitted that, the case is ripe for trial and trial has to be proceeded.



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4. Considered the submissions and perused the records.

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5. The First Information Report allegations show that, on 04.09.2016, at about 17 hours, when the police party was on rounds, it found that, in Gajapathy street, a Vinayagar statue was installed by the accused in connection with Vinayagar Chadurthi. For installation of Vinayagar statue, no permission was obtained by the accused. Therefore, when the respondent police instructed the accused to remove the Vinayagar statue, they formed an unlawful assembly, refusing to remove the statue and also prevented the respondent police from removing Vinayagar statue.

6. The learned counsel for the petitioners produced the permission order granted by the Sub Inspector of Police, Ranipet Police Station, Chennai, giving permission for installation of Vinayagar statue from 31.08.2022 to 04.09.2022 at No.100/213, V.R.Pillai Street. It is now informed that Vinayagar statue was installed at the junction of V.R.Pillai Street and Gajapathy Street. Thus, it is established that, petitioners obtained permission for the installation of Vinayagar statue and therefore,



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this Court finds that, the very registration of First Information Report and investigation of the case is nothing but an abuse of process of law.

Therefore, this Court finds that, there is no legal, factual ground available for prosecuting the petitioners for the offences under Sections 143 and 353 of IPC r/w. 7(1)(a) of Criminal Law Amendment Act, 2005.

7. Accordingly, the Criminal Original Petition is allowed and the proceedings in CC.No.6876 of 2022 on the file of II Metropolitan Magistrate Court, Egmore, Chennai against the petitioners is quashed. Consequently, the connected Miscellaneous Petitions are closed.

07.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

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To

- 1.The Inspector of Police,
(L&O), D3, Ice House Police station,
Triplicane, Chennai – 600 005.
- 2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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