



WEB COPY

Crl.O.P.No.27496 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.27496 of 2023
and Crl.M.P. Nos.19064 & 19066 of 2023

- 1.Sambath
- 2.Bakkiyaraj
- 3.Surya
- 4.Manivasagam
- 5.Arumugam
- 6.Selvam
- 7.Selvam
- 8.Sathiyaraj
- 9.Vadivel
- 10.Ravi
- 11.Rajendiren
- 12.Selvaganapathi
- 13.Prabu
- 14.Kamaraj
- 15.Ajay @ SubhasChandrapose

... Petitioners

-VS-

1. The State Rep by
The Inspector of Police,
Sendurai Police Station,
Ariyalur District.

- 2.Mrs.Asotahai

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in S.C. No.15 of 2020 on the file of the learned Principal District Sessions Judge, Ariyalur and to quash the same insofar as Petitioners/Accused 3, 5-7, 9, 11, 13-18, 20-22.



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For Petitioners : Mr.R.Thirumoorthy
For Respondent 1 : Leonard Arul Joseph Selvam,
Government Advocate (Crl.Side)

ORDER

The petition is filed to quash the case in S.C. No.15 of 2020 on the file of the Principal District and Sessions Court, Ariyalur on the ground that in the course of election campaign, clash between two groups, supporting their respective candidates, led to registration of the case and case in counter. As far as the petitioners herein who are accused in S.C. No.15 of 2020, they were not the aggressors and they have been falsely implicated.

2. The learned Government Advocate (Crl.Side) submits that the wound certificate of one Subramainyan, who injured in the clash though simple injury, the weapon used was Iron Rod and the petitioners who are members of the unlawful assembly liable to be prosecuted.

3. Since offence under Section 3 of Tamil Nadu Property (Prevention of Damages & Loss) Act, 1992 as well as offence under Section 307 IPC been made out, this Court is not inclined to look into the merits of the evidence collected by the respondent police, except to record that there is material to show that one of the members of the opposite group had sustained simple injury and it is for the trial Court to appreciate the evidence and find out who is the aggressor and to what extent they are liable for the charges framed. Hence, this



petition to quash is **dismissed**. The trial Court is directed to conduct the trial of case and case in counter together and decide the matter in accordance with law.

4. Considering the number of the accused in case and case in counter, this Court has no doubt that the trial Court will take appropriate decision regarding the physical presence of the accused persons on hearing when their presence is not required. Consequently, connected Miscellaneous Petitions are also dismissed.

14.12.2023

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

1.The Principal District Sessions Judge,
Ariyalur.

2. The Inspector of Police,
Sendurai Police Station,
Ariyalur District.

3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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