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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.4189 of 2021

and

CrI.M.P(MD)No.2328 of 2021

Subramanian

...Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Crime No.323 of 2017)

2.Ganapathy,
The Sub-Inspector of Police,
Seithur Police Station,
Virudhunagar District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records pertaining to the case Crime No. 323 of 2017, on the file of the Inspector of Police, Seithur Police Station, Virudhunagar District and quash the same as against the petitioner.

For Petitioners : Mr.N.Balasubramanian



For R-1

: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor**ORDER**

This Criminal Original Petition has been filed to quash the Crime No.323 of 2017 pending on the file of the Inspector of Police, Seithur Police Station, Virudhunagar District as against the petitioner, wherein he is said to have committed the offence under Sections 143, 188, 285 IPC r/w 7(1)(A) of the Criminal Law Amendment Act, 2005.

2. The case of the prosecution is that on 12.09.2017 after the General Body Meeting of AIADMK, the petitioner herein who belongs to AIADMK (Dinakaran group) burnt the effigy of the Hon'ble Chief Minister and raised slogans. Hence, the de-facto complainant registered a case against the petitioner for the offence under Sections 143, 188 and 285 of IPC r/w 7(1)(a) of the Criminal Law Amendment Act, 2005 in Crime No.323 of 2017 on the file of the Seithur Police Station, Virudhunagar District. Hence, the complaint.



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3. The petitioner herein/Accused No.4 and the petitioner in CrI.O.P(MD)No.13442 of 2017 are arrayed as accused in Crime No. 323 of 2017 on the file of the respondent police. It is represented by the learned counsel for the petitioner that already the petitioner in CrI.O.P(MD)No.13442 of 2017, who is the co-accused in Crime No. 323 of 2017 has filed a quash petition and the same was allowed by this Court.

4. This Court perused the order passed in CrI.O.P(MD)No. 13442 of 2017 and find no difference between the allegation made against this petitioner and the petitioner in the above said OP. In view of the similar allegation made against the accused in both cases, this Court has no reason to differ the applicability of principle laid down in the above case to the petitioner's case also. In the result, this Court is inclined to quash the proceedings in Crime No.323 of 2017 pending on the file of the Inspector of Police, Seithur Police Station, Virudhunagar District as against the petitioner herein also.

5. Accordingly, the Criminal Original Petition stands allowed and the proceedings in Crime No.323 of 2017 on the file of the Seithur



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Police Station, Virudhunagar District, is quashed in respect of the petitioner. Consequently, connected Miscellaneous Petition is closed.

05.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
BTR

To

- 1.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
- 2.The Sub-Inspector of Police,
Seithur Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

BTR

Crl.O.P.(MD) No.4189 of 2021

05.04.2023