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Crl.O.P.(MD)No.5626 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)Nos.5626 and 5927 of 2023

and

Crl.M.P.(MD).Nos.4925, 4926, 5179 and 5180 of 2023

K.Mathavan

... Petitioner in Crl.O.P(MD).No.5626 of 2023

1.Pandi

2.Ramar

3.Lakshmanan

... Petitioners in Crl.O.P(MD).No.5927 of 2023

Vs.

1.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

2.Jeyaprakasa

... Respondents in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned Charge Sheet in P.R.C.No.62 of 2022 on the file of the Judicial Magistrate Court Kamuthi, Ramanathapuram District and quash the same as against the petitioner alone.

For petitioners : Mr.S.Ramsundarvijayaraj



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Crl.O.P.(MD)No.5626 of 2023



For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

COMMON ORDER

These petitions have been filed to quash the impugned Charge Sheet in P.R.C.No.62 of 2022 on the file of the Judicial Magistrate Court, Kamuthi, Ramanathapuram District.

2.The case of the prosecution is that on 29.10.2021, during Thevar jeyanthi Festival, the petitioner along with other accused said to have stopped the vehicle of the Tahsildar, threatened and abused him in filthy language and also caused damage to the Government property. Hence, the second respondent has registered a case in Crime No.729 of 2021 for the offence under Sections 147, 294(b), 341, 353 and 506(ii) of IPC r/w 3 (1) of TNPPDL Act. Thereafter, the final report was filed in P.R.C.No.62 of 2022. Hence, the present petition is filed.

3.On the ground that the co-accused/A11 moved a similar application before this Court in Crl.O.P.(MD).No.18617 of 2021, it was informed to the Court that on verification of CCTV footage, it is seen that the Accused No.11 was not available in the place of occurrence. On



that ground, the said petition in Crl.O.P.(MD).No.18617 of 2021 was allowed. Insofar as these petitioners are concerned, there was a direction to the learned Government Advocate (Crl. Side) to verify the CCTV footage and he confirmed that the petitioners were very well available in the place of the occurrence. So the benefit extended to A11 cannot be extended to these petitioners.

4.The learned counsel for the petitioners would submit that though the petitioners sought to quash the proceedings pending against them, now they would restrict their prayer and also submitted that the petitioners will be satisfied if their personal appearance before the trial Court is dispensed with.

5.Therefore, without going into the merits of this case, these criminal original petitions are dismissed. However, considering the submissions made by the learned counsel for the petitioners, their personal appearance before the trial Court is dispensed with the following condition.

(i)The petitioners shall appear before the trial Court within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit,



by affixing their recent passport size photograph, to the effect that they will appear before the trial Court as and when required and must ensure their proper representation through Advocate.

6.Considering the oldness of the crime, the committal Court is directed to complete the committal process within a period of one week from the dated of receipt of a copy of this order. After committal, there shall be a direction to the trial Court to complete the trial process within a period of three months. Consequently, the connected Crl.M.P. (MD).Nos.4925 and 5179 of 2023 is ordered and the connected Crl.M.P. (MD).Nos.4926 and 5180 of 2023 is closed.

15.11.2023

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

vsg



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To

- 1.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.5626 of 2023





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G.ILANGOVA. J.

vsg

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