



Crl.O.P.(MD)No.6888 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.6888 of 2023

and

Crl.M.P(MD) Nos.5977 and 5978 of 2023

Ashokraj

...Petitioner/Sole Accused

Vs.

1.State Represented by
The Inspector of Police,
Town Police Station,
Sankarankovil,
Tenkasi District.
(In Crime No.38/2019).

...1st Respondent/Complainant

2. T.R.Balaji

...2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the Impugned Charge sheet in C.C.No.206 of 2019 on the file of the Judicial Magistrate, Sankarankovil, Tenkasi District and quash the same as against the petitioner.

For Petitioner : Mr.S.Ragaventhre

For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to call for the records of the Impugned Charge sheet in C.C.No.206 of 2019 on the file of the Judicial Magistrate, Sankarankovil, Tenkasi District and quash the same as against the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. The case of the prosecution is that on 25.01.2019 at about 12.15 hours, when the Jacto Geo protestors were arrested and kept in the Gokulam Marriage hall, Sankarankovil, the petitioner came to the scene of occurrence, abused the Government, asked the protestors to come out from the marriage hall by broken the door, further induced them to put fire to the Government bus and Government Buildings and thereby inducing the violence. Hence, a case in Crime No.38 of 2019 for the offences punishable under Sections 294(b), 353, 506(ii) IPC and 7(1)(a) of Criminal Law Amendment Act, 2005, has been registered.



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4. The case of the petitioner is that the false case has been registered against the petitioner and no untoward incident happened by hearing the instigation of this petitioner. Hence, the present petition is filed to quash the Impugned Charge sheet in C.C.No.206 of 2019 on the file of the Judicial Magistrate, Sankarankovil, Tenkasi District.

5. The learned Additional Public Prosecutor would submit that on the basis of the Government Order which was passed by the Government in G.O.Ms.No.9, dated 02.02.2021, the above said case has been going to be withdrawn by the prosecution, which was registered against the Government employees. The benefit of the above said Government Order is extended to the petitioner also, even though, he is a private party.

6. Considering the submission made by the learned Additional Public Prosecutor that even though, the petitioner is a private party, the benefit of the above said Government Order is also extended to the petitioner, the Impugned Charge sheet in C.C.No.206 of 2019 on the file of the Judicial Magistrate, Sankarankovil, Tenkasi District, is liable to be quashed and accordingly, the same is quashed.



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7. In the result, this petition is allowed. Consequently, connected miscellaneous petitions are closed.

17.04.2023

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

Indu

To

- 1.The Judicial Magistrate,
Sankarankovil, Tenkasi District.
- 2.The Inspector of Police,
Town Police Station,
Sankarankovil,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
Crl.O.P.(MD)No.6888 of 2023

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