



CrI.O.P.(MD)No.6685 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18/07/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

CrI.OP(MD)No.6685 of 2023

and

CrI.MP(MD)Nos.5811 and 5813 of 2023

1.Murugesan
2.Sathya
3.Vanchi Nathan
4.Lilavathi
5.Nagapandi

: Petitioners/A1, A3, A9
A12 and A14

Vs.

State rep. by

1.The Inspector of Police,
Kodaikanal Police Station,
Dindigul Distirct.
(Crime No.138 of 2015)

: R1/Complainant

2.Susendran,
S/o.Chinathambi,
Village Administrative Officer,
Kodaikanal Taluk,
Dindigul District.

: R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.122 of 2022 on the file of the Judicial Magistrate No.II, Kodaikanal and to quash the same as illegal and pass such further or order orders.



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For Petitioners : Mr.G.Prabhu Rajadurai
For Respondents : Mr.S.Manikandan
Government Advocate
(Criminal side)

O R D E R

This criminal original petition has been filed seeking quashment of the case in CC No.122 of 2022 on the file of the Judicial Magistrate No.II, Kodaikanal.

2.The case of the prosecution in brief:-

On 30/03/2015 at about 11.00 am, the accused persons assembled unlawfully near Kodaikanal Auditorium with an intention to create enmity between the Government of India and a particular section of the society. They made defamatory statement against the Government over the arrangement of the Forest Range Office in Kodaikanal area. They also tried to create violence against the Government of India, even they did not spare the judgment and Revenue as well as Police officials. On the basis of the above said criminal activity, a case was registered in Crime No.138 of 2015 for the offences punishable under sections 117, 153(B), 189, 294, 504 and 505 IPC. After completing the investigation, final report was filed charging the accused persons for the offences punishable under sections 117, 153(B), 189, 294, 504 and 505 IPC r/w



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149 IPC and it was taken cognizance in CC No.11 of 2020 by the District Munsif-cum-Judicial Magistrate, Kodaikanal and thereafter, it was transferred to Judicial Magistrate No.II, Kodaikanal and assigned a new number as CC No.122 of 2022.

3. Seeking quashment of the same, this petition has been filed on the ground that the allegations mentioned either in the FIR or final report does not attract any of the ingredients of the offences alleged.

4. Heard both sides.

5. Even though this matter is posted to-day under the caption for clarification, the learned counsel appearing for the petitioners would submit that the above said speech has been made by the petitioners out of loss of temper. Considering the above said situation, even though the language that has been used by the petitioners is condemnable, now they are leading a peaceful life.

6. The above said submission made by the learned counsel appearing for the petitioners is placed on record.



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7.In view of the submission made by the learned counsel appearing for the petitioners, this criminal original petition is **allowed**. The case in CC No.122 of 2022 on the file of the Judicial Magistrate No.II, Kodaikanal, is hereby quashed as against the petitioners. Consequently, connected Miscellaneous Petitions are closed.

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Index:Yes/No
Internet:Yes/No

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To,

- 1.The Judicial Magistrate No.II,
Kodaikanal,
Dindigul District.
- 2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
- 3.The Village Administrative Officer,
Kodaikanal Taluk,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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