

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : **27.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) Nos.9047 & 9050 of 2021

and

Crl.M.P.(MD)Nos.4628 & 4630 of 2021

Crl.O.P.(MD)No.9047 of 2021

N.Anbuarasu

... Petitioner/accused No.23

Vs.

1.The Deputy Superintendent of Police,

Nilakottai Sub Division,

Dindigul District.

2.The Inspector of Police,

Nilakottai Police Station,

Dindigul District.

(Crime No.222 of 2013)

...Respondents1&2/ Complainants

3.Muthupandi

... 3rd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in Crime No.222 of 2013, pending on the file of the Inspector of Police, Nilakottai Police Station,Dindigul District and to quash the same as against the petitioner.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.Side)for R1& R2

: Mr.A.Rajini for R3

Crl.O.P.(MD)No.9050 of 2021

N.Anbuarasu ... Petitioner/accused No.22

Vs.

1.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

(Crime No.222 of 2013) ...1st Respondent / Complainant

2.S.Manjula ... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in Crime No.223 of 2013, pending on the file of the Inspector of Police, Nilakottai Police Station,Dindigul District and to quash the same as against the petitioner.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.Side)for R1

: Mr.A.Rajini for R2

COMMON ORDER

These petitions are filed to quash the F.I.Rs in Crime No.222 and 223 of 2013, on the file of the Inspector of police, Nilakottai Police Station, Dindigul District.

2. The allegation against the petitioner is that in connection with a communal clash, Muthupandi and a woman constable (No.1668), namely, S.Manjula lodged a complaints that several members damaged the houses that belonged to a particular community and attacked them with weapons and damaged C.C.T.V. Monitor / set top box and Camera, which were Government properties and that attempts were made to set ablaze police personal at the C.C.T.V. control room by pouring petrol on them. Based on the complaint given by Muthupandi, a Case in Crime Nos.222 of 2013 under Sections 147, 148, 294(b), 323, 324, 336, 436, 307 of I.P.C and Section 3(1) of TNPPDL Act r/w. Section 3(i)(x) and 3(1)(xi) of SC/ST Act was registered against the petitioner and 73 Persons in relation to eve teasing incident, two persons were injured, some articles were stolen from the defacto complainant. The petitioner is arrayed as A23 in this Crime. Based on the complaint given by S.Manjula, a Case in Crime Nos.223 of 2013 under Sections 147, 148,

294(b), 353, 397,, 307 of I.P.C and Section 3(1) of TNPPDL Act was registered against the petitioner and 75 Persons and the petitioner is arrayed as A22 in this crime.

3. On the side of the petitioner, it is stated that the petitioner was employed as a Housekeeper cum Peon in Canara Bank, Nilakottai Branch, initially as part time employee and thereafter his service was regularized. His name was falsely implicated as an accused in both the Crime Nos.222 and 223 of 2013 in connection with the alleged group clash at the village. When a police antecedent Report was sought by the Bank, an adverse report was filed, as if some criminal cases were pending against the petitioner. It was wrongly mentioned that the petitioner is an accused in Crime No.219 of 2013, under POCSO Act. Based on the biased report, service of the petitioner was terminated. When the petitioner tried to get copies from the Juvenile Justice Court, Dindigul, in Crime No.219 of 2013 and charge sheet No.19 of 2015, the documents sought by the petitioner was not furnished on the ground that there was no case against the petitioner. Even then, the petitioner was not reinstated into service with the Canara Bank. Even after the lapse of 7 ½ years, there was no progress in the case, no charge sheet was filed till date.

4. The petitioner earlier approached this Court in Crl.O.P. (MD) No.10831 of 2014 for police protection and that petition was disposed of on 17.06.2014 on the ground that there was no complaint pending against the petitioner and that there was no harassment. Chances of conviction in the said cases even against those who were actually involved in the offence are extremely bleak. There is no evidence or specific allegation against the petitioner and prayed the cases to be quashed.

5. On the side of the prosecution, it is stated that charge sheet was filed in Crime No.222 of 2013 as CNR No.959 of 2022, in Crime No.223 of 2013, as CNR No.960 of 2022 and that both the charge sheets were filed on 07.11.2022, before the Judicial Magistrate, Nilakkottai.

6. On the side of the petitioner, it is stated that the petitioner was not at all available in the scene of occurrence. The entire village was included as accused, charge sheet was not yet filed. In the Court records, it is clearly mentioned that the charge sheets were returned and the charge sheet were not taken on file.

7. It is seen that the name of the petitioner was mentioned as A22 in Crime No.223 of 2013 and A23 in Crime No.222 of 2013, the case was registered against 73 persons, the Judicial Magistrate, Nilakkottai, has filed a report as up to 29.07.2021 that no charge sheet was filed.

8. Considering the facts and circumstances of the case and considering that charge sheets were filed online on 07.11.2022. These Petitions are dismissed. The petitioner is at liberty to challenge the charge sheets and the cases to be taken on file on the basis of the charge sheets. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
Ls

27.03.2023

To

- 1.The Judicial Magistrate,
Nilakkottai.
- 2.The Deputy Superintendent of Police,
Nilakottai Sub Division,
Dindigul District.
- 3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)Nos.9047 & 9050 of 2021

R.THARANI. J.

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