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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD) No.10041 of 2023

and

Crl.MP (MD) Nos.8002 and 8003 of 2023

1.P.Tamil Selvi

2.K.Thangaalagu

: Petitioners/A22 and A23

Vs.

1.The Inspector of Police,
Saptoor Police Station,
Madurai District.

(Crime No.17 of 2008)

: R1/Complainant

2.K.Paramasivan

: R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records relating to the proceedings of SC No. 358 of 2020 on the file of the VI Additional Sessions Judge, Madurai, as against A22 and A23 and quash the same as illegal.

For Petitioners

: Mr.S.Alagarsamy

For 1st Respondent

: Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition is filed seeking quashment of the case in SC No.358 of 2020 on the file of the VI Additional Sessions Judge, Madurai as against A22 and A23.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that because of the election motive, enmity arose between two groups of people among the villagers belong to Anaikaraipatti. Because of the above said, they were causing frequent trouble to the functioning of the village panchayat. Some three days prior to the occurrence, the accused persons alleged to have teased the village women. On 31/03/2008, a panchayat was arranged between two villagers. But no compromise could be reached. In pursuance of the above said enmity, the villagers belongs to the accused assembled with deadly weapons and caused serious assault to several persons. At about 04.30 pm, they have even used fire arms. Some of the persons also suffered gunshot injury. They also set fire to the haystack. On the basis of the above said



occurrence, a case in Crime No.17 of 2008 was registered for the offences under sections 147, 148, 324 and 307 IPC and section 3 of TNPPDL Act and section 27(1)(2) of the Arms Act. After completing the formalities of investigation, final report was filed and it was taken cognizance in PRC No.11 of 2020 by the Judicial Magistrate No.II, Usilampatti. After committal process, it was taken on file in SC No.358 of 2020 by IV Additional Sessions Judge, Madurai.

3. Seeking quashment of the same, this petition has been filed on the ground that A1 was working as Chairman in Sedapatti Union, A2 was the Assistant Engineer working in TWAD, Dindigul. A1's husband was working as Executive Engineer in Fort Trust, Chennai, he accompanied her at that time of occurrence. A1 was called by the Deputy Superintendent of Police, Peraiyur for peace committee meeting, but the above said meeting was not properly conducted. A1 advised him to conduct the meeting in a proper manner. Because of the above said advice given by A1, the Deputy Superintendent of Police, Peraiyur, got angry, so she has been wrongly implicated.



4.Except stating the above said factual ground, no other ground has been made.

5.Reading of the complaint as well as the final report shows that it is a clear case of large scale rioting with deadly weapons. Even fire arms were used by some of the accused persons, causing severe injuries to other persons. Who participated in the above said occurrence, is a matter for trial. Identification of the accused can be done only during the court of the trial. The argument that the petitioners did not participate in the above said occurrence is entirely a factual matter, which, as mentioned earlier, cannot be gone into while exercising jurisdiction under section 482 of Cr.P.C. The trial must be taken to its logical conclusion. So, I find no reason to entertain this petition.

6.In the result, this criminal original petition is **dismissed**. But however, considering the position of the petitioners, their personal appearance is dispensed with on condition that within 15 days from the date of receipt of a copy of this order, they must appear before the trial court and file an undertaking affidavit that they



will appear as and when required by the court, the attested photograph must be attached in the affidavit and they must ensure that they are properly represented by an Advocate. The petitioners must also appear before the trial court at the time of identification by the witnesses. Accordingly, CrI.MP(MD)No.8002 of 2023 is allowed. Further considering the oldness of the case, there shall be a direction to the trial court to expedite the trial process and dispose of the case within a period of three months from the date of receipt of a copy of this order. Consequently, connected CrI.MP(MD)No.8003 of 2023 is closed.

28/06/2023

Index:Yes/No
Internet:Yes/No
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To,

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- 1.The IV Additional Sessions Judge,
Madurai.
- 2.The Inspector of Police,
Saptoor Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G. ILANGO VAN, J



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Crl.OP(MD)No.10041 of 2023

28.04.2023