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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

CrI.OP (MD) No.16186 of 2022

and

CrI.MP (MD) Nos.10718 and 10719 of 2022

M.Saravanakumar : Petitioner/A6

Vs.

- 1.The State rep by
The Inspector of Police,
Boiler Plant Police Station,
Trichy District. : R1/Complainant
(Crime No.9 of 2018)
- 2.K.Karthikeyan : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the impugned charge sheet in SC No.252 of 2019 on the file of the Principal District and Sessions Judge, Trichy and quash the same in so far as the petitioner is concerned and pass such further or other orders.

For Petitioner : Mr.N.Marimuthu

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent : No appearance

**ORDER**

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This criminal original petition is filed seeking quashment of the case in SC No.252 of 2019 on the file of the Principal District and Sessions Judge, Trichy.

2.The case of the prosecution in brief:-

On 17/03/2018, the Inspector of Police attached to the Traffic Wing, Thuvakudi Police Station, drove the two wheeler bearing registration No.TN-81-Z-9082 and caused death of one pillion rider in a vehicle bearing registration No.TN-45-BH-9320 driven by its driver one Raja. Over the above said occurrence, condemning the police Department, on 07/03/2018 at about 09.30 pm, the accused persons gathered near the BHEL area and staged demonstration. Apart from that, they caused damage to several vehicles bearing registration Nos.TN-30-N-1024, TN-45-N-2281, TN-45-N-2344, TN-45-N-2505, TN-45-N-2651, TN-45-N-2799, TN-32-N-3010, TN-45-N-2326, TN-45-N-8307, TN-45-N-3227, TN-68-N-0603, TN-68-N-0364, TN-68-N-0373 and TN-65-N-0465 causing extensive damage to the vehicles. Similarly causing injuries to the police people, who came there to control the riot. Upon on the above said occurrence, a case in Crime No.09 of 2018 for



the offences punishable under sections 147, 148, 341, 294(b), 506(ii), 353 and 332 IPC and section 3(1) of the Public Property (Prevention of Damage & Loss) Act, 1992. After completing the formalities of investigation, charge sheet was filed and it was taken cognizance in SC No.252 of 2019 by the Principal District & Sessions Court, Trichy.

3. Seeking quashment of the same, this petition has been filed by this petitioner, who is arrayed as A6 stating that he was falsely implicated in this case; He has not involved in the above said occurrence; He was undergoing Auditor Course and was staying in nearby hostel; He has been wrongly and falsely implicated in this matter.

4. Heard both sides.

5. An unfortunate death of a pregnant woman on the alleged kick made by the Inspector of Police, attached to Traffic Police Station. There was voluntary assembly of protestors near the place of occurrence, on the particular day. But however, the above said mob, causing extensive damage to the vehicles belongs to the Tamil



Nadu State Transport Corporation as well as causing injury to the other police people. On the particular date in the place of occurrence to control the mob, the police people were attacked with glass bottles and stones, sustained several injuries. Similarly, about 14 number of vehicles mentioning the registration numbers in the final report have also been damaged extensively by the rioting mob. Even though the object of the above said protestors was to condemn the police Inspector over his unruly behaviour, but it turn to violence. Caused damage to the vehicles and even causing injuries to the police people. It requires thorough trial process. Who were present in the place of occurrence is a matter for consideration by the trial court. The accused are to be properly identified in the trial court. Only on the basis of the non identification, this petition has been filed stating that the petitioner, was not present in the occurrence and staying in a nearby hostel. These are all the factual grounds.

6. When several people gathered in a particular place, it is very difficult to identify each and every one in the mob. Only random identification can be made. So, when the identification of the accused involved in



the above occurrence requires to be verified during the course of trial, I find no reason to quash the proceedings. Except the above said factual issue, no other ground worth considering is made out by the petitioner.

7. In the result, this criminal original petition is **dismissed**. But however, the personal appearance of the petitioner is dispensed with on condition that within 15 days from the date of receipt of a copy of this order, the petitioner must appear before the trial court and file an undertaking affidavit that he will appear as and when required by the court, the attested photograph must be attached in the affidavit and he must ensure that he is properly represented by an Advocate. Considering the oldness of the matter, there shall be a direction to the trial court to complete trial process within a period of 4 months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

23/06/2023

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

- 1.The Principal District & Sessions Court,
Trichy.
- 2.The Inspector of Police,
Boiler Plant Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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