



Crl.O.P(MD)No.19842 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.OP(MD)No.19842 of 2018

and

Crl.M.P(MD)Nos.9081 and 9082 of 2018

- 1.Sivalingam
2. Boominathan
- 3.Vimal Raja
- 4.Senbagaraja
- 5.Senbagaraja
- 6.Adhimannan
- 7.Ayyanar
- 8.Panappandi
- 9.Pandi
- 10.Palpandi
- 11.Soundarapandi
- 12.Aravindakumar
- 13.Premkumar
- 14.Muthusamy
- 15.Aurmufam



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16.Sivalingam

17.Ravi

18.Pandi

19.Selvakumar

20.Rajasekar

21.Tamilselvam

22.Selvam

Sivarajpandian(deceased)

23.Silambarasan

24.Muthu Selvam

25.Tamilmani Dass

26.Danasekarapandian

27.Arulpandi

28.Thavaselvam

29.Karuppusamy

30.Periasamy

31.Vasudevan@Alagu Vasudevan

... Petitioners/ Accused 1 to 32

VS.

1.The State rep., by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.528 of 2015)

... 1st Respondent/Complainant

2.K.Anand

... 2nd Respondent/Defacto Complainant



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3.Raja

.. 3rd Respondent/Accused No.33

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in P.R.C.No. 15/2017 on the file of the Judicial Magistrate, Thirumangalam and quash the same.

For Petitioners : Mr.R.Shankar Ganesh
for P1 to P4, P6 to P13,P16, P17, P19,
P21 to P23, P25, P26, P28, P30 & P31

For P24 : Mr.K.Navaneetharaja

For P5, P14, P15,P18,
P20, P24, P27 & P29 : No appearance

For R1 : Mr.M.Muthumanikkam
Government Advocate (Criminal side)

ORDER

This petition has been filed by the petitioners/Accused to quash the proceedings in P.R.C.No.15/2017 on the file of the Judicial Magistrate, Thirumangalam, which emanated from Crime No.528 of 2015 on the file of the respondent police registered for the offence under Sections 147, 148, 341, 294(b), 188, 353 and 307 IPC and Section 3(1) of TNPPDL Act, against the petitioners.



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2. In this case, after completion of investigation, the respondent police filed the final report before the learned Judicial Magistrate, Thirumangalam and the same was taken on file in P.R.C.No.15 of 2017 and pending the same, this quash petition has been filed. The learned counsel for the petitioners specifically contended that this is the case where a clash between two groups had taken place and in result, there was some commotion due to which there was some altercation arose between the officials as well as the petitioners and as against the allegation, the learned counsel for the petitioners has raised number of grounds in this quash petition. Now, he seeks the relief of withdrawal of the above quash petition with liberty to raise all the contentions before the learned Judicial Magistrate. He has also made an endorsement to that effect. He also seeks the indulgence of this Court to dispense with the personal appearance of the petitioners before the trial Court since they are facing the prosecution from the year 2015 onwards.



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3. Recording the said endorsement, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

4. Considering the facts and circumstances of the case and also considering the request of the petitioners that they are facing the criminal prosecution from the year 2015 onwards and they all are working as Coolie, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with on the following conditions:

(i) The petitioners shall appear at the time of furnishing copies, at the time of committal and on the hearings, specifically directed by the trial Court.

(ii) The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.

(iii) The petitioners shall not dispute the identity of the witnesses.

(iv) The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of



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identification.

(v) If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in 2001 (4) SCC 667.

5. The learned Judicial Magistrate, Thirumangalam, is directed to complete the committal proceedings within a period of one month from the date of receipt of a copy of this order and the concerned jurisdictional Sessions Judge shall complete the trial within a period of three months from the date of committal.

20.04.2023

Internet: Yes/No

Index : Yes/No

NCC: Yes/No

PJL

To

1. The Judicial Magistrate,
Thirumangalam.



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2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

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