



WEB COPY



Crl.O.P.(MD)No.17788 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/11/2023

CORAM

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

Crl.OP(MD)No.17788 of 2023

and

Crl.MP(MD)Nos.14076 and 14077 of 2023

A.Madevan : Petitioner/A34

Vs.

1.The Inspector of Police,
CBCID, Madurai. : R1/Complainant

2.The Village Administrative Officer,
Alanganallur Village
Madurai 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 and quash the final report filed against the petitioner in SC No.251 of 2019 on the file of the V Additional District and Sessions Judge, Madurai in respect of Crime No.1 of 2017 on the file of the 1st respondent police.

For Petitioner : Mr.P.P.Alwin Balan

For Respondents : Mr.K.Sakthi Kumar
Government Advocate
(Criminal side)



Crl.O.P.(MD)No.17788 of 2023

O R D E R

WEB COPY

This criminal original petition has been filed seeking quashment of the case in SC No.251 of 2019 on the file of the V Additional District and Sessions Judge, Madurai.

2.The case of the prosecution is that on 23/01/2017 in front of the Madurai District Cooperative Bank, the accused persons gathered unlawfully violating the judgment of the Hon'ble Supreme Court over the Jallikattu issue, staged protest and caused hindrance to the public and traffic. So the police team rushed to the occurrence place and warned the protestors to disperse. But the accused persons failed to oblige and disperse. They also indulged in rioting, throwing stones and caused damage to the private vehicles, shops, houses and vehicles belongs to the police Department, thereby causing extensive damages. On the basis of the above said occurrence, a case in Crime No.1 of 2017 was registered for the offences under sections 147, 148, 341, 323, 324, 332, 353, 506(ii), 120-B, 188, 307 and 34 IPC. After completing the investigation, final report was filed charge sheeting totally 64 persons and it was taken cognizance in SC No.251 of 2019 by the Judicial Magistrate No.4 (Additional District Court), Madurai.



CrI.O.P.(MD)No.17788 of 2023

WEB COPY

3. Seeking quashment of the same, A34 namely A.Madevan has filed this petitioner mainly on the ground that he was not at all participated in the occurrence; he was only a witness to the protest; Apart from that, he has also submitted that the Government of Tamil Nadu has passed G.O.Ms.No.99, Home (Courts-IV) Department, dated 20/02/2021, withdrawing or dropping all the proceedings initiated against the protestors of Jallikattu issue; No proper identification of this petitioner has also made during the course of investigation.

4. Heard both sides.

5. Except the above said factual ground, no other legal ground has been made out by the petitioner. Whether the petitioner was a witness to the occurrence or participant in rioting, throwing stones, pelting stones, causing damage to the Government and private parties cannot be a matter for consideration by this court sitting under section 482 Cr.P.C jurisdiction. It is purely a factual issue, which got to be tried to its logical conclusion by the trial court. So, this ground is not available to the petitioner. Identification of the person, who indulged in rioting is a matter for consideration by the trial court.



WEB COPY

6.The second ground is that G.O.Ms.No.99, Home (Courts-IV Department, dated 20/02/2021).

7.As mentioned above, the learned Government Advocate (Criminal side) would submit that the above said G.O does not include the cases, which have been registered for rioting, causing damage to the public and private properties. So according to him, this occurrence is not covered in the above said G.O., the trial must be taken in its logical conclusion.

8.The learned counsel appearing for the petitioner would submit that the petitioner has selected for Government Service and because of the pendency of this case, his future is affected.

9.But when this point was raised before me, I told that it may not be possible to quash the proceedings against the petitioner, in view of the above said serious allegation, Had there been no rioting, damage, causing injury, by relying upon the above said GO, this court would have quashed the proceedings. But this is not a case here. So I find no reason to quash the proceedings.



WEB COPY



Crl.O.P.(MD)No.17788 of 2023

10.In the result, this criminal original petition stands **dismissed**. But however, considering the oldness of the matter, there shall be a direction to the trial court to expedite the trial process and complete the same within a period of five months from the date of receipt of a copy of this order. The personal appearance of the petitioner is dispensed with on condition that the petitioner shall appear before the concerned trial court within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by fixing his recent passport size photograph to the effect that he will appear before the trial court as when required and must ensure his proper representation through Advocate. It is made clear that on the date of the examination of the witnesses, the petitioner must present before the trial court for identification purpose. Consequently, connected Miscellaneous Petitions are closed.

08/11/2023

Index:Yes/No
Internet:Yes/No
er



Crl.O.P.(MD)No.17788 of 2023

To,

WEB COPY

- 1.The Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudunagar District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.17788 of 2023

G.ILANGOVAN, J

er

CrI.OP (MD) No.17788 of 2023

08/11/2023