



CrI.O.P.(MD) No.17773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.17773 of 2023
and CrI.M.P(MD)No.14064 of 2023

Krishnamachari

... Petitioner

Vs

1. The Inspector of Police,
Srirangam Police Station,
Trichy District.

2. Saravanan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the charge sheet SC No.12/2011 pending on the file of the learned Chief Judicial Magistrate, Trichy, and quash the same as against the petitioner.

For Petitioner : Mr. Karuppasamy Pandiyan G

For Respondents : Mr.M.Sakthikumar
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition had been filed to quash the records relating to the charge sheet SC No.12/2011 pending on the file of the learned Chief Judicial Magistrate, Trichy.

2.The case of the prosecution is that on 28.11.2006 at about 10a.m, around 60 Nos from Hindu Makkal Katchi and others gathered making protest against opening of Periyar Statue in that area. They conspired to create law and order issue. In furtherance of conspiracy, the 6th accused arranged the accused Manikkam, Senthilkumar, Rajasekar, Sujeet to damage the Periyar Statue. He sent those persons to Srirangam. On 05.12.2006 they met the first accused and he arranged accommodation for them. They planned to cause damage on 07.12.2006. In pursuance of conspiracy, on 07.12.2006 at about 04.45p.m., in the morning the accused Nos.1,2,3 and 4 assembled before the Periyar Statue with a common intention to cause damage. They also caused damages to the Periyar Statue. On the basis of above said occurrence, a case in Cr.No.749 of 2006 was registered and final report was filed.



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3. Seeking quashment of the same, this petition has been filed by the 8th accused stating that none of the allegations mentioned in the final report would not attract ingredients alleged. The petitioner was not present in the place of occurrence. No proper sanction was obtained from the Government for invoking the offence under Section 153(A) IPC. Hence, prays to allow the petition.

4. The learned Government Advocate (CrI.Side) would submit that in this case trial has already commenced and 17 witnesses have been examined and the witnesses were also cross examined. On that ground only, the connected petition in CrI.O.P.(MD)No.21382 of 2023 was dismissed by this Court on 29.11.2023.

5. In view of the above, the very same order in CrI.O.P.(MD)No. 21382 of 2023 shall stand apply to this case also and accordingly, this petition stands dismissed. Consequently, connected miscellaneous petition is closed.

04.12.2023

NCC:Yes/No
Internet:Yes/No
Index:Yes/No
PNM

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To

1. The Inspector of Police,
Srirangam Police Station,
Trichy District.

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



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G.ILANGO VAN, J.

PNM

ORDER IN
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