



Crl.O.P.(MD) No.18736 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.18736 of 2023
and
Crl.M.P(MD)Nos.14814 and 14816 of 2023

Balasubramanian

...Petitioner / Accused No.12

Vs.

1.The State rep. by,
The Inspector of Police,
K.Pudupatti Police Station,
Pudukkottai District.
(In Crime No.78/2008)

...1st Respondent / Complainant

2.V.R.Annadurai

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge Sheet in S.C. No.23/2023 on the file of the Learned Additional District Judge for E.C and NDPS Act cases Pudukkottai and quash the same in so far the petitioner is concerned.

For Petitioner :Mr.R.Prasanna

For Respondent :Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed to call for the records pertaining to the Charge Sheet in S.C. No.23/2023 on the file of the Learned Additional District Judge for E.C and NDPS Act cases Pudukkottai and quash the same in so far the petitioner is concerned.

2. The case of the prosecution in brief is that, the accused Nos.1 to 3 presented a request seeking permission and protection for celebrating temple festival in Ariyanayagi Amman Kovil, that was considered and with certain conditions, permission was granted. They also undertook to comply the conditions. But they violated the conditions on 10.06.2008. When the defacto complainant and other police team were on bandobust duty, accused Nos.8 to 14 stated to have performed obscene dance and also played obscene songs. When the defacto complainant party intervened and warned them, the accused Nos.1 to 7 unlawfully prevented the police team from discharging their official duty, abused them in filthy language and caused assault to the defacto complainant. They also pelted stones on the police team in which some of the police people



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sustained injuries. They also caused damage to the tempo traveller belongs to the police department. On the basis of the said occurrence, a case was registered in Crime No.78 of 2008. After completing investigation, final report has been filed. Now the matter is pending before the learned Additional District Judge for E.C and NDPS Act cases Pudukkottai, for trial in S.C. No.23/2023. Pending trial, this petition is filed by this petitioner stating that on the date of the alleged occurrence, he was not available in that place and only bald allegation has been made.

3. But however, considering the fact that violating the permission and conditions, the temple festival was celebrated in obscene manner, the police team proceeded to prevent the same, they were abused, assaulted and damages was also caused to the State vehicle, such serious offences, cannot be taken lightly. Whether this petitioner also participated in the commission of the crime or not, cannot be a matter for consideration by this Court, while exercising the jurisdiction under Section 482 of Cr.P.C. It is purely a factual issue which got to be tried for its logical conclusion. I find absolutely no reason to entertain this petition without any legal grounds.



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4. Accordingly, this Criminal Original Petition is dismissed. However, considering the fact that the petitioner is a professional dancer, his personal appearance before the trial Court is dispensed with for the present, with the following condition:

(i)The petitioner shall appear before the learned Additional District Judge for E.C and NDPS Act cases Pudukkottai, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing his recent passport size photograph, to the effect that he will appear before the trial Court as and when required and must ensure his proper representation through Advocate.

Consequently, connected miscellaneous petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

- 1.The Inspector of Police,
K.Pudupatti Police Station,
Pudukkottai District.
(In Crime No.78/2008)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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