



WEB COPY



Crl.OP.No.10851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.10851 of 2024

and

Crl.MP.Nos.7408 and 7409 of 2024

Kalidoss

... Petitioner

Vs.

1. The State

Represented by
The Inspector of Police,
Muthupet Police Station,
Muthupet, Thiruvarur District.
(Cr.No.337 of 2007).

2. Dhanapal

Village Admininstrative Officer,
Muthupettai, Muthupet,
Thiruvarur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to P.R.C.No.25 of 2022 on the file of the learned Judicial Magistrate Court, Thiruthuraipundi and quash the same.



WEB COPY



Crl.OP.No.10851 of 2024

For Petitioner : Mr.T.Suriya

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
for R1

ORDER

Pursuant to the registration of the case in Cr.No.337 of 2017 in connection with communal riot at Muthupet on 10.12.2007, the prosecution has filed final report against 39 persons for the offence under Sections 148, 436, 450, 452, 307 IPC r/w 149 of IPC and Section 3(1) of T.N.P.(P.D and L) Act r/w 34 of IPC. The final report in PRC.No.25 of 2022 filed before the Judicial Magistrate Court, Thiruthuraipoondi not been committed so far.

2. The learned Counsel for the petitioner submitted that an open F.I.R registered by the respondent police and the name of this petitioner been shown as A15 just because, he is resident of that Village. He further submitted that none of the witnesses in the 161 Statement had mentioned the name of this petitioner. While so, he has been falsely implicated in this case and after 15 years of occurrence, final report filed including the name of this petitioner who is no way connected with the occurrence.



Crl.OP.No.10851 of 2024

3. Learned Government Advocate (Crl.Side) appearing for the respondent police after notice reports that the final report filed before the Judicial Magistrate Court in P.R.C.No.25 of 2022 yet to be committed to the court of sessions and in so far as the averments made by the petitioner herein in the quash petition. He further states that though the name of the petitioner not been mentioned in the FIR, but the investigation reveals that he was present along with the other members of the unlawful assembly and therefore, he has to face the trial. He also submits that the confession statement of one of the accused by name Nithaiyan, the overt act of this petitioner been spoken and therefore not a fit case to quash the final report.

4. The case of communal riot in a town which has led to damage of public property and simple hurt to the members of the other community. F.I.R registered against known and unknown persons. After 15 years final report been filed and even after filing final report, for the past two years not been committed to the Court of Sessions.

5. As pointed out by the learned counsel appearing for the petitioner no witness as mentioned this petitioner for any overt act. Only



Crl.OP.No.10851 of 2024

incriminating material is the alleged confession statement of one Nithaiyan.

This Court is of the view that the confession statement of co-accused without corroboration can not stand the test of judicial scrutiny for conviction of the alleged offence.

6. Accordingly Criminal Original Petition is allowed. The criminal prosecution against this petitioner stands quashed. Consequently, the connected miscellaneous petitions are closed.

11.06.2024

Vv

To

1. The Inspector of Police,
Muthupet Police Station,
Muthupet, Thiruvarur District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.OP.No.10851 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

**Crl.OP.No.10851 of 2024
and
Crl.MP.Nos.7408 and 7409 of 2024**

11.06.2024