



Crl.O.P.(MD) No.249 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.01.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.249 of 2024

and

CrI.M.P.(MD) Nos.190 and 191 of 2024

1.Ramakrishnan

2.Muthavaranam

3.Murugan

4.Mariyappan

5.Karuthapandi

...Petitioners

VS

1.The Inspector of Police,
Devadanapatti Police Station,
Theni District,
Crime No.132 of 2019.

2.Abuthalha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records of the charge sheet in STC.No.293 of 2021 on the file of the learned Judicial Magistrate, Periyakulam and quash the same in respect of the petitioners.

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For Petitioners : Mr.R.Mariappan
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed to quash the Charge Sheet in STC.No.293 of 2021 on the file of the learned Judicial Magistrate, Periyakulam.

2.The learned Counsel for the petitioners submits that during election time in 2019, the case was registered. The sum and substance of the petition is that the petitioners in this case had conducted welcome ceremony for their party leader, E.V.K.S.Elangovan, when he went for election work at Periyakulam. It is his further submission that the defacto complainant was none other than the Police Officials. No individual citizen of this country had preferred any complaint against the petitioners.

3.Also, the learned Counsel for the petitioners invited the attention of this Court to the draft charge sheet filed in this case. Noway the offence is attracted. The petitioners had not prevented any one from proceeding with



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their work. There were no ingredients of offence under Section 143 and 386 IPC. It attracts Section 341 IPC. Therefore, he seeks to quash the Charge Sheet in STC.No.293 of 2021 pending on the file of the learned Judicial Magistrate, Periyakulam.

4.The learned Government Advocate (Crl.side) submits that the petitioners herein had violated the guidelines issued by the Election Commission of India during the election in 2019.

5.On consideration of the rival submissions and on perusal of the ingredients of the final report, the submission of the learned Counsel for the petitioners is found acceptable and reasonable. Therefore, exercising the power under Section 482 Cr.P.C., this Court is inclined to quash the Charge Sheet in STC.No.293 of 2021 pending on the file of the learned Judicial Magistrate, Periyakulam.

6.Accordingly, this Criminal Original Petition is allowed. The Charge Sheet in STC.No.293 of 2021 on the file of the learned Judicial Magistrate,



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Periyakulam is hereby quashed against the petitioners alone/accused Nos.1 to 4 and 7. Consequently, connected Miscellaneous Petitions are closed.

Internet: Yes./No

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Index: Yes/No

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To

- 1.The Inspector of Police,
Devadanapatti Police Station,
Theni District,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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