



CRL OP(MD)No.3563 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.3563 of 2021

1.P.Peter Krishnan

2.Johnselvam

3.Doss

4.Manigandan

5.Alagumeenakshi

6.A.K.P.Mani

7.K.S.Devapitchai

8.S.John Kannan

9.P.Sekar

10.S.Abraham

... Petitioners

Vs

1.The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(In Crime No.169 of 2019)



CRL OP(MD)No.3563 of 2021

2.Mariyappan
Village Administrative Officer,
Paravai II Bit,
Kulamangalam Firka,
Madurai North Taluk,
Madurai District.

3.Arumugam

... Respondents

(R3 is impleaded as per order of the Court
dated 13.03.2023 in Crl.M.P(MD)No.2364 of 2021)

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the charge sheet in S.T.C.No.228/2020 on the file of the Judicial Magistrate Court, Vadipatti and quash the same as against the petitioner.

For Petitioners : Mr.C.M.Arumugam

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate(crl.side)

For R3 : Mr.P.T.Ramesh Raja

ORDER

Seeking to quash the final report in S.T.C.No.228 of 2020 on the file of the learned Judicial Magistrate, Vadipatti, the present criminal original petition is filed by the accused 1 to 10.



CRL OP(MD)No.3563 of 2021

2.The case of the prosecution, in a nutshell, is as follows:-

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On 21.07.2019 at about 09.30 a.m., the accused 1 to 10 assembled in front of the house of first accused and conducted a prayer meeting. In the meeting they used amplifier, mike, speaker and other musical instruments and they started talking in favour of Christianity and abused all the Hindu Gods. Based on the complaint given by the Village Administrative Officer of Samayanallur, an FIR in Crime No.169 of 2019 was registered by the Special Sub Inspector of Police, Samayanallur Police Station, against the accused 1 to 10 for the offences punishable under Sections 143 and 298 of IPC. The Inspector of Police after conducting investigation laid a final report before the Judicial Magistrate's Court, Vadipatti against the accused for the aforesaid offences.

3. Mr.C.M.Arumugam, learned counsel for the petitioners would contend that three more cases were registered against the petitioners for similar kind of offence and that all the other cases are quashed by this Court except the present case. It is his further contention that the police did not find out as to who is the aggressor as far as the present case is



CRL OP(MD)No.3563 of 2021

concerned and has filed the final report against the petitioners. The petitioners were conducting a prayer meeting inside their house and therefore, the police cannot charge the present petitioners for the offences punishable under Sections 143 and 298 of IPC.

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (crl.side) appearing for the respondents 1 and 2 and Mr.P.T.Ramesh Raja, learned counsel appearing for the third respondent would contend that the police after conducting proper investigation laid a final report and there is no valid ground to quash the same.

5. The specific allegations against the present petitioners is that all the petitioners assembled in front of the house of the first accused and they conducted a prayer meeting using amplifier, speaker and other musical instruments. The case of the prosecution is that all the accused were talking in favour of Christianity and against Hinduism by using mike and informed the general public that if they convert as Christian they can get good education and good jobs. Apart from that, they had also discussed the various laws of Hindus and further stated that the



CRL OP(MD)No.3563 of 2021

Hindus would kill people of their own religion. According to them, the statue of God in Hindusim is a mere stone and nothing else. Based on the complaint of the Village Administrative Officer, FIR was registered and the Inspector of Police after conducting proper investigation had filed a final report.

6. The defacto complainant in the instant case is a Village Administrative Officer and it is not the case of the present petitioners that either the Village Administrative Officer or the other villagers including the third respondent provoked the petitioners prompting them to abuse Hindu Gods. Therefore, there is no questioning of finding out as to who is the aggressor in the instant case by the Investigation Officer. Accordingly, this Criminal Original petition is dismissed as devoid of merits.

19.03.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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CRL OP(MD)No.3563 of 2021

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To

- 1.The Judicial Magistrate Court,
Vadipatti.
- 2.Inspector of Police,
Samayanallur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD)No.3563 of 2021

R.HEMALATHA,J.

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CRL OP(MD)No.3563 of 2021

19.03.2024