



CrI.O.P.(MD)No.5098 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.5098 of 2022

and

CrI.M.P.(MD).Nos.3237 & 3584 of 2022

1.Rama J Nair

2.Sivaraja Krishnan

3.Paulraj.C.M.

... Petitioners

Vs.

1.The State through
the Inspector of Police,
Nesamony Nagar Police Station,
Kanniyakumari District.
(Crime No.471 of 2017)

2.Robert Selva Singh,
Sub Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil,
Kanniyakumari District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records connected with the charge sheet in S.C.No. 2 of 2019 pending on the file of the Principal District Court, Kanniyakumari at Nagercoil and quash the same as illegal.



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For petitioners : Mr.R.Alagumani
For R-1 : Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)
For R-2 : No Appearance

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.2 of 2019 pending on the file of the Principal District Court, Kanniyakumari at Nagercoil.

2. The case of the prosecution is that the petitioners / Accused Nos.3 to 5 went to the Nagercoil Collector Office to submit their representations regarding inaction of the Police Department and at that time, Accused Nos.1 and 2 came to the District Collector Office along with kerosene can and attempted to commit suicide by pouring kerosene on them by alleging that the Electricity Department did not give permission to draw the electricity. Due to which, the second respondent / Sub Inspector of Police made a complaint before the first respondent Police and the first respondent Police registered a case against five persons including the petitioners in Crime No.471 of 2017 for the alleged offence punishable under Sections 147, 143, 120B, 188, 306, 309, 353 and 506(ii) IPC. The respondent Police, after completing the



investigation, has filed a charge sheet before the concerned Court and the same was taken on file in S.C.No.2 of 2019 and now it is pending before the learned Principal District Judge, Kanniyakumari at Nagercoil. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that the first petitioner, who is functioning as a Munchirai Panchayat President, is a member of one Political Organization. She was assaulted by one Thirumalai Kovil Poojari. Regarding to the above said occurrence, the first petitioner gave a complaint to the Pudhukadai Police Station. He would further submit that the second petitioner is a member of one Political Organization and his land was taken away by some unknown persons, with regard to that matter, the second petitioner gave a complaint to the Thenthaamaraikulam Police Station. He would further submit that the third petitioner, who is a practising Advocate, is functioning as a District Secretary of one Political Party. It is submitted by the third petitioner that the Tahsildar's Driver assaulted him and in this regard, he made a complaint before the Pudhukadai Police Station. Since the petitioners' complaints were not taken by the above said officials, the petitioners came to the District Collector Office to submit their representations. He would further submit that Accused Nos.1 and 2 came



to the District Collector Office along with kerosene can and attempted to commit suicide by pouring kerosene on them in the premises. He would further submit that the petitioners have no way connected with Accused Nos.1 and 2 and only for being the members of the Political Organization, the respondent Police has falsely registered a case against the petitioners. He would further submit that even if the prosecution case is true, the offence under Sections 306 and 309 IPC will attract only against Accused Nos.1 and 2 and not against the petitioners herein. He would further submit that with regard to Section 120B IPC, there was no corroborating evidence against the petitioners herein. He would further submit that the respondent Police has mechanically filed the complaint against the petitioners. He would further submit that there is no specific overtact against the petitioners and hence, he prays for allowing this petition

4.The learned Government Advocate (Criminal Side) appearing for the first respondent Police would submit that the petitioners went along with other accused persons to the District Collector Office and suddenly, Accused Nos.1 and 2 took the kerosene can and poured the same on them and tried to set fire. This was prevented by the second respondent Police, for which, the first respondent Police registered a case against the petitioners.



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5. This Court perused the entire materials on records and on perusal of the charge sheet, it is seen that Accused Nos.3 to 5 came to the District Collector Office for different purposes and they were not known to each other and on the particular day, there was no prohibitory order to enter the District Collector Office and in the absence of any prohibitory order, implicating the petitioners under Sections 147, 143, 120B, 188, 306, 309, 353 and 506(ii) IPC is not a sustainable one.

6. In view of the above discussion, the proceedings in S.C.No.2 of 2019 before the file of the learned Principal District Judge, Kanniyakumari at Nagercoil is quashed insofar as the petitioners are concerned.

7. In the result, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

21.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The Principal District Court, Nagercoil, Kanniyakumari.

2.The Inspector of Police,
Nesamony Nagar Police Station,
Kanniyakumari District.

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

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M.DHANDAPANI. J.

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