



CrI.O.P.(MD) No.3893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3893 of 2024

and

CrI.M.P.(MD) Nos.3088 and 3089 of 2024

J.Santhosh Kumar

...Petitioner

vs

**1.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.**

2.K.Muthuselvan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the impugned charge sheet in CC.No.615 of 2023 pending on the file of the Judicial Magistrate No.II, Sivagangai in Crime No.615 of 2023 u/s. 147, 148, 279, 341, 283, 506(2) and 109 IPC dated 31.10.2021 on the file of the first respondent and quash the same as illegal.

For Petitioner	: Mr.K.Dinesh
For R1	: Mr.B.Thanga Aravindh
	Government Advocate (CrI.side)



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ORDER

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The learned Counsel for the Petitioner submits that the Petitioner had filed this petition seeking to quash the charge sheet in CC.No.615 of 2023 pending on the file of the Judicial Magistrate No.II, Sivagangai. It is his submission that in the FIR in Crime No.633 of 2023, the alleged offences are under Sections 147, 148, 279, 341, 283, 506(ii) and 109 IPC. The complaint was preferred by the Village Administrative Officer, Paiyur Group, Sivagangai.

2.The occurrence took place in the event of Guru Pooja of a political leader, freedom fighters, by name Maruthu Pandiyar. The accused are alleged to have come for the function in two vehicles, bearing Reg.No.TN 01 Y 0949 and TN 54 AH 4888. They have drove the vehicle in a rash and negligent manner without following the traffic rules and created public nuisance to the general public. Also, they were hanging around both the sides of the two vehicles and were having iron rods and long wooden logs and were sitting on the bonnet of the vehicles and created life threats to the general public around them. Therefore, the case was registered against the



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accused. The Petitioner's name is not found either in the complaint or in the charge sheet. Who had identified the Petitioner is also not stated. The names of certain individuals, who were the leaders of the caste outfits mentioned in the complaint, but that does not contain the name of the Petitioner. Also, as to how the name of the Petitioner was included, there is no special report. The 161 statement of the witnesses does not disclose the name of the Petitioner.

3.For the protest by the Petitioner to permit him and others to organize the event of freedom fighters, Maruthu Pandiyar, the Petitioner had given a representation. Based on the representation, the Petitioner's name was included in the charge sheet. Except that, there is no incriminating material available with the Respondent Police to incriminate the Petitioner for the rioting. The learned Counsel for the Petitioner invited the attention of this Court to the 161 statement of the witnesses, wherein none of the witnesses had spoken about the incriminating circumstances against the Petitioner. Therefore, he seeks to quash the charge sheet pending against the Petitioner.



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4.The learned Government Advocate (Crl.side) vehemently objected to the submission of the learned Counsel for the Petitioner. He relied on the statement of the Village Administrative Officer, on the basis of which the complaint had been registered, on the basis of which the FIR had been registered in Crime No.633 of 2021.

5.Considering the rival submissions, the submission of the learned Government Advocate (Crl.side) is not found unacceptable. In cases of this nature, the freedom fighters, Maruthu Pandiyar have followers in Sivagangai District. For the memorial day and for the birthday of Maruthu Pandiyar brothers, events are held by the general public as well as leaders of the caste outfits. Caste outfit persons demand from the Government for giving out the name of freedom fighter for a particular place or for putting up a statue of a Maruthu Pandiyar brothers in the public place.

6.Under those circumstances, the public protested on the birthday of Maruthu Pandiyar brothers near Sivagangai Bus stand, in which the Village Administrative Officer had given the complaint. Based on the complaint of the VAO, the case had been registered. On perusal of the statement of the



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witnesses, the offences alleged in the FIR are not attracted. Further, there is no incriminating material against the Petitioner. Under those circumstances, the Petitioner cannot be forced to face recourse of trial.

In fine, this Criminal Original Petition is allowed. The charge sheet in CC.No.615 of 2023 pending on the file of the Judicial Magistrate No.II, Sivagangai is hereby quashed against the Petitioner herein. Consequently, connected Miscellaneous Petitions are closed.

Internet:Yes./No
Index:Yes/No
mm

25.03.2024

Note : Issue order copy on 26.03.2024

To

- 1.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai 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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