



Crl.O.P.(MD) Nos.8172 & 8324 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) Nos.8172 & 8324 of 2020

and

Crl.M.P.(MD) No.3880 of 2020

1.Murali

2.Nadimuthu

3.Nathiya

... Petitioners in
Crl.O.P.(MD) No.8172/20

1.Dr.Venkat Ganesh

2.Kaliyamurthi

... Petitioners in
Crl.O.P.(MD) No.8324/20

Vs.

1.State:

Rep. by the Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.
(Crime No.1309 of 2020)

2.Justin Selvakumar

... Respondents
in both Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the FIR in Crime No.1309 of 2020, dated 08.06.2020 on the file of the



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first respondent police and quash the same as far as the petitioners are concerned.

For Petitioners
in both Crl.O.Ps. : Mr.S.Deenadhayalan

For R1
in both Crl.O.Ps. : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R2
in both Crl.O.Ps. : Mr.B.S.Manjunath

COMMON ORDER

Seeking to quash the FIR in Crime No.1309 of 2020 of Pattukkottai Police Station, Thanjavur District, the present Criminal Original Petitions are filed by all the accused.

2. The petitioners in Crl.O.P.(MD) No.8324 of 2020 are Accused 1 and 2. The petitioners in Crl.O.P.(MD) No.8172 of 2020 are Accused 3 to 5. During the pendency of these Criminal Original Petitions, A2 died.

3. The case of the prosecution in a nutshell is as follows:

(i) One Justin Selvakumar, Correspondent of Five Star Matriculation Higher Secondary School, Pattukkottai lodged a complaint with the Inspector of Police,



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Pattukottai Police Station, on 05.06.2020 against 5 accused for the offences punishable under Sections 147, 148, 427, 448 & 120B of IPC and Sections 62 & 66 of the Information Technology Act, 2000.

(ii) According to the *de facto* complainant, he is one of the trustees as per the Trust Deed dated 22.08.1991. Dr.Venkat Ganesh (A1) and Kaliyamurthi (A2) (since deceased) were previously trustees. Due to the mismanagement of the school, they were removed from the trusteeship on 25.10.2019.

(iii) On 05.06.2020 at about 08.45 a.m., all the accused formed into an unlawful assembly, broke open the lock of the Director's Room with an iron road, hammer and wooden log, re-set the password of the computer, deleted the data in the computer and damaged the same, as a result of which, the present trustees are unable to use the computer. It is the contention of the *de facto* complainant that all the accused had taken away all the documents including the keys of lockers.

(iv) Based on the complaint given by the *de facto* complainant, FIR in Crime No.1309 of 2020 was registered by the Inspector of Police, Pattukottai Police Station which is sought to be quashed in the present



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Criminal Original Petitions. Along with the complaint, the *de facto* complainant had submitted CCTV footage and CD file.

4. Mr.S.Deenadhayalan, learned counsel for the petitioners sought quashment of FIR on the following grounds:

- i. The accused 1 and 2 have been removed from the trusteeship by the *de facto* complainant and other trustees without any authority.
- ii. The occurrence took place on 05.06.2020 and since it was covid-19 pandemic situation, A1 was in Chennai and he was not in the place of occurrence. A2 who is the Correspondent of the school along with other staff members i.e., A3 to A5 had broken open the door of the school since the parents of the students and the police officials insisted them to distribute the hall-tickets to the students.
- iii. The accused 1 and 2 in fact had filed a suit in O.S.No. 138 of 2020 before the Principal District Court, Thanjavur for a declaration that the resolutions passed by the *de facto* complainant and others on 31.05.2019 and 22.06.2019 suspending the petitioners and subsequently removing them from trusteeship, are null and void and also for a mandatory injunction directing the *de facto*



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complainant and others to permit them to discharge their duties as trustees. The suit is still pending. When there is a civil dispute between the parties, the *de facto* complainant cannot lodge a criminal complaint against the petitioners.

- iv. Subsequent to the registration of FIR, there was a peace committee meeting conducted by the Tahsildar, Pattukottai Taluk and in his Proceedings dated 14.07.2023 bearing number ப.௭௭.03/2023/அ7, he ordered that the petitioners should not be restrained by the opposite parties when they enter into the school premises.

5. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the first respondent would contend that FIR was registered in the year 2020 and the peace committee meeting was conducted on 14.07.2023, in which, the *de facto* complainant did not participate. It is his further contention that there was no compelling situation for the petitioners herein to break open the door of the school as alleged by the accused and that with an intention to cause damage to school properties, the accused had broken open the door of the school. It is his further contention that the petitioners deleted important data in the computer system and changed the password. According to him, the suit in



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O.S.No.138 of 2020 was filed before the Principal District Court, Thanjavur subsequent to the registration of the FIR against the petitioners and therefore, there is no valid ground to quash the FIR and that the investigation is almost completed. He therefore prayed for dismissal of the present petition.

6. It is seen from the Trust Deed dated 22.08.1991, the accused 1 and 2 were also trustees initially. In fact, A2 (since deceased) and the father of A1 were founder trustees. In the plaint in O.S.No.138 of 2020 on the file of the Principal District Judge, Thanjavur, the accused 1 and 2 had averred that as per the Trust Deed, the Managing Trusteeship is by way of rotation and he would be the Correspondent of the school also. It was further averred that A1 though assumed the charge of correspondent of Five Star Matriculation Higher Secondary School for the academic year 2019-2020 and was effectively administering the school, he was expelled from the trusteeship without any basis. Therefore, the accused 1 and 2 had filed the above suit before the Principal District Court, Thanjavur seeking for a declaration that their removal from the trusteeship is null and void. The said suit was filed subsequent to the registration of the FIR in Crime No.1309 of 2020 of Pattukottai Police Station and therefore both



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the accused 1 and 2 were in know of the fact that they were expelled from the trusteeship by way of two resolutions passed by the other trustees on 31.05.2019 and 22.06.2019.

7. The peace committee meeting was conducted by the Tahsildar on 14.07.2023 when the FIR was registered in year 2020 itself. It is further seen that the *de facto* complainant and other trustees did not appear before the Tahsildar and the Tahsildar quoting the pendency of W.P.(MD) No. 42248 of 2020 before this Court and O.S.Nos.57 of 2019 and 138 of 2020 before the Principal District Court, Thanjavur had directed both the parties that they should not restrain each other from entering the school premises.

8. The accused 1 and 2, as already observed above, knew that they were expelled from the trusteeship by the other trustees by way of passing resolutions and in such circumstances, they should have approached the civil court immediately. On the other hand, it seems that the petitioners had taken law into their hands and went to the school promises and broke open the door of the school. They had also, according to the *de facto* complainant, deleted important files from the computer and taken away



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some documents from the school premises. The compelling situation

alleged by the present petitioners is actually denied by the prosecution.

Moreover, the investigation is almost completed and the Government Advocate (CrI. Side) informed this Court that a positive final report would be filed before the concerned court.

9. In the circumstances, I do not see any reason to quash the FIR on the grounds raised by the petitioners. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petition is closed.

11.03.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To:

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



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R.HEMALATHA, J.

JEN

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