



CrI.OP.(MD)No.12969 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.03.2024

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CrI.OP.(MD)No.12969 of 2021 &
CrI.MP(MD)No.6660 of 2021

Muthaiah

... Petitioner

vs.

1.The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.253 of 2019)

2.Suresh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in P.R.C.No.16 of 2020 on the file of the Judicial Magistrate, Periyakulam and quash the same insofar as the petitioner is concerned.

For Petitioner

: Mr.N.Anantha Padmanaban,
Senior counsel
for Mr.J.Vishnu

For Respondents

: Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)
for R1



ORDER

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Seeking to quash the final report in P.R.C.No.16 of 2020 on the file of the Judicial Magistrate Court, Periyakulam, the present Criminal Original Petition is filed by accused 20.

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

2.1. The accused 1 to 57 are residents of Saruthupatty Village. They belong to Hindu Adhi Dravidar Community. Majority of Naicker community people are residing in Lakshmipuram, a neighbouring Village. One Murali and his wife Revathi, residents of Lakshmipuram had lodged a complaint on 11.06.2019 against one Vairamuthu and two others, who are the residents of Saruthupatty Village, before the Inspector of Police, Thenkarai Police Station for the offences punishable under Sections 294(b), 341, 323, 324, 307, 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act and the same was registered as FIR in Crime No. 246/2019. Similarly some of the villagers of Saruthupatty had lodged a complaint against the villagers of Lakshmipuram before the Inspector of Police, Thenkarai Police Station for the offences punishable under Sections 143, 147, 341 IPC and the same was registered as FIR in Crime No. 247/2019. A communal clash erupted between the two villagers.



2.2. On 14.06.2019, the 2nd accused Siranjeevi who was working as a Police Constable (Police Constable No.412) in Devadanapatti Police Station and a resident of Saruthupatty Village was riding his two wheeler near Devadanapatti four way lane. Though he accidentally fell down from his two wheeler, he informed the villagers of Saruthupatty that he was attacked by the villagers of Lakshmipuram who belong to Naicker community, as a result of which, there was a tense situation in both the villages.

2.3. As per the directions of the Superintendent of Police, Theni District, seven police officials of XIV Battalion were sent to Bomminaickenpatti village for bandhobast duty. Similarly, Thiru.Suresh, Inspector of Police, Periyakulam Police Station, Anbazhagan, Soundhirarajan, Mutheeswaran, Rajeevkumar, Sundhar, Senthilkumar, Rajkumar, Aravindhraj, Saravanakumar, Paramasivam, Chellapandi, police constables of Theni Armed Forces, Perumal, Sakthivel police constables of Tamilnadu Special Force, and Thiru.Chellapandi, Head Constable, Periyakulam Police Station were also doing bandhobast duty. While so, on 14.06.2019, at about 08.45 pm, all the accused 1 to 57 armed with deadly weapons like wooden logs, stones, iron rods, came down to Lakshmipuram Village to attack the people belonging to Naicker community and in this regard, they unlawfully assembled at Sarathupatty Bus Stop Junction and



started doing 'road roko'.

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2.4. On knowing this, District Superintendent of Police went to the spot along with his police force. When the officials directed the accused persons to come for talks, the accused did not pay heed to the same and on the contrary pelted stones on the jeep bearing Registration No.TN 60 G 0371 and damaged the same. They also pushed down the police officials and caused injuries to them.

2.5. On the basis of the complaint given by the Inspector of Police, Periyakulam Police Station, the Sub-Inspector of Police, Thenkarai Police station registered FIR in Crime No.253/2019 on 14.06.2019 against 19 persons who belong to Adhi Dravidar community, Saruthupatty Village for the offences punishable under Sections 147, 148, 149, 294(b), 332, 353, 506(ii), 323, 324, 307, 427 IPC and Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992. The Deputy Superintendent of Police after conducting investigation laid a final report before the Judicial Magistrate, Periyakulam in P.R.C.No.16/2020 against 57 accused persons for the offences punishable under Sections 147, 148, 149, 332, 353, 307, 333, 109, 341 IPC and Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992.



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2.6. The petitioner is arrayed as accused no.20 and he is gainfully employed with Indian Army at 19 Field Ammunition Depot, Jodhpur, Rajasthan.

3. Mr.Anantha Padmanaban, learned senior counsel assisted by Mr.J.Vishnu, learned counsel for the petitioner would contend that the present petitioner is a law abiding citizen and he had come down to his village by applying leave from 20.05.2019 to 17.06.2019. According to him, the petitioner was not involved in the commission of offence and that he had actually gotten tickets to Chennai on 14.06.2019 at 11.00 pm. When he was waiting at Saruthupatty Village bus stop, the police arrested him and took him to custody. He also drew the attention of this Court to the FIR and would contend that the petitioner's name is not mentioned in the FIR and only in the final report, the Deputy Superintendent of Police, Thenkarai Police Station had included the present petitioner's name without any iota of evidence. He therefore prayed for quashing the final report as against the present petitioner.

4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the first respondent would contend that the



Police after conducting proper investigation had laid a final report and there are no good grounds to quash the same.

5. It is settled law that FIR is not an encyclopedia and in the instant case, the villagers of Saruthupatty armed with deadly weapons unlawfully assembled and started attacking the villagers of Lakshmipuram. When they did road blockade, the police officials went to the stop and requested the accused to come for negotiation. But the accused did not listen to the so request made by the police and on the other hand, they started attacking the police officials and their vehicles also. The contention of the learned counsel for the petitioner is that the petitioner was not involved in the commission of offence and when he was about to leave for Jodhpur, he was arrested by the police merely because, he is from Saruthupatty village. It is pertinent to point out that the Deputy Superintendent of Police, Periyakulam had conducted investigation and had laid a final report against 57 accused and the present petitioner is shown as 20th accused in the final report. Though in the FIR, it is mentioned that more than 100 persons committed offences punishable under Sections 147, 148, 149, 294(b), 332, 353, 506(ii), 323, 324, 307, 427 IPC and Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992, the final report is filed against 57 accused only. This shows that the investigation officer had done proper



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investigation. Merely because, the present petitioner is working in Army, he cannot be exonerated from the criminal proceedings initiated against him. When a large number of persons attack police officials, it is difficult for the police to count the number of persons involved in the said attack and to ascertain their identity at the time of registration of FIR. It can be done only during the course of investigation. In the circumstances, I do not see any reason to quash the final report.

6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

7. The personal appearance of the petitioner before the trial Court is dispensed with. However, the petitioner is directed to appear before the trial Court as and when his personal appearance is required by the trial Judge.

04.03.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

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



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R. HEMALATHA, J.

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