



Crl.O.P.(MD)No.15163 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.15163 of 2022
and Crl.M.P.(MD)No.9939 of 2022

- 1.Rajangam
- 2.Anbu
- 3.Sevugaperumal
- 4.Meena
- 5.Lakshmi
- 6.Periyakaruppan
- 7.Periyakaruppan
- 8.Johnny Rani
- 9.Amirthavalli
- 10.Vimala
- 11.Vanitha
- 12.Kailasam
- 13.Thangam



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14.Vijay

15.Arumugam

16.Sivaraman

17.Chinnaiah

18.Puvaneshwaran

19.Pappa

20.Ramayee

21.Keerthika

22.Sivaneshwari

23.Vasanth

24.Vellaisamy

25.Santhoshkumar

26.Vellaisamy

... Petitioners

Vs.

1.The Inspector of Police,
Kottampatti Police Station,
Madurai District.
In Crime No.79 of 2021.

2.Senthil Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the



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impugned charge sheet in PRC.No.10 of 2022 on the file of the learned Judicial Magistrate, Melur and quash the same as illegal as against the petitioners are concerned.

For Petitioners : Mr.A.Mohan

For R1 : Mr.S.Manikandan,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in PRC.No.10 of 2022 on the file of the learned Judicial Magistrate, Melur.

2.The case of the prosecution is that the petitioners herein are belongs to Thevar community and on 15.03.2021, they erected Muthuramalinga Thevar statute, without obtaining any permission. Hence, the higher authorities requested the villagers to remove the statue, since the Election Conduct Rules was in force on account of Assembly Elections held in the year 2021. The petitioners herein assembled



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together and started to attack the Police personal and other authorities by throwing stones and sticks and caused damages to the valuable public properties. Hence, a case in Cr.No.79 of 2021 has been registered for the offences punishable under Sections 147, 148, 149, 186, 189, 294(b), 353, 332, 321, 307, 506(ii) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damages & Loss) Act, 1992. Upon completion of investigation, the first respondent filed the final report, which was taken on file in PRC.No.10 of 2022 by the learned Judicial Magistrate, Melur.

3.The learned counsel appearing for the petitioners submitted that the male petitioners are ready to face the trial and in respect of the female petitioners are concerned, they were simply assembled in the scene of occurrence. Except this allegation, there is no other allegation as against them. He further prayed to dispense with the personal appearance of the male petitioners.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submitted that the first respondent has conducted a fair



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investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below. Accordingly, he prayed to dismiss the present petition.

5.Heard the learned counsel on either side and perused the materials available in the records.

6.It is seen that the petitioners herein erected a statue of Muthuramalinga Thevar, without obtaining proper permission. Since Election Conduct Rules was in force, the authorities requested the villagers to remove the statue. At that time, the petitioners assembled together and started to throw stone and also damaged the public properties. However, it is also seen that the petitioner Nos.4, 5, 8, 9, 10, 11, 19, 20, 21, 22 and 23 were simply assembled in the scene of occurrence and there is no specific allegation as against them. That apart, as per decision of the Hon'ble Supreme Court in *N.S.Madhanagopal & Anr. Vs. K.Lalitha* reported in **2022 LiveLaw (SC) 844**, in order to attract the offence under Section 294(b) IPC, there



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must be a proof to establish that the words uttered by the accused person annoyed others. In this case, insofar as the petitioner Nos.4, 5, 8, 9, 10, 11, 19, 20, 21, 22 and 23, there is no ingredients to attract an offence under Section 294(b) IPC. Accordingly, the impugned charge sheet in in PRC.No.10 of 2022 on the file of the learned Judicial Magistrate, Melur, is hereby quashed, insofar as the petitioner Nos.4, 5, 8, 9, 10, 11, 19, 20, 21, 22 and 23 are concerned. The petitioner Nos.1, 2, 3, 6, 7, 12, 13, 14, 15, 16, 17, 18, 24, 25 and 26 shall face the trial.

7.Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioner Nos.1, 2, 3, 6, 7, 12, 13, 14, 15, 16, 17, 18, 24, 25 and 26 before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.



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8.In the result, this criminal original petition is partly-allowed.

Consequently, connected miscellaneous petition is closed.

12.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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



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M.DHANDAPANI,J.

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