



CRL OP(MD)No.16031 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11.03.2023

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL OP(MD)No.16031 of 2021
and
Crl.M.P(MD)Nos.8593 and 8594 of 2021

1.S.M.Raja

2.K.Ramaraj

... Petitioners

Vs

1.State, represented by
The Sub Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.

2.Arumugam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the impugned charge sheet in C.C.No.56 of 2021 on the file of the Judicial Magistrate Court, Andipatti and quash the same.

For Petitioners : Mr.K.Gokul

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Ms.J.Anandhavalli



CRL OP(MD)No.16031 of 2021

ORDER

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Seeking to quash the final report in C.C.No.56 of 2021 on the file of the learned Judicial Magistrate, Andipatti, the present petition is filed by the petitioners/Accused Nos.1 and 2.

2. The case of the prosecution is that when the defacto complainant went to Arulmigu Muthumariyamman Temple, Jakkampatti Village, Andipatti Taluk, on 22.10.2020 at about 17.30 hours, the petitioners prevented him from entering the temple premises and also abused him in filthy language. They also pelted stones on him, as a result of which, he sustained injuries on his left hand and head and he was immediately rushed to the Government Hospital, Andipatti, where Dr.Mohamad Shakeel, Assistant Surgeon, examined him and gave treatment to him. In the opinion of the Doctor, the injuries sustained by the defacto complainant is simple in nature. Based on the complaint given by the defacto complainant, FIR in Crime No.920 of 2020 was registered by the Sub Inspector of Police, Andipatti Police Station, against the present petitioners for the offences punishable under Sections 294(b), 324, 341 and 506(ii) of IPC. The Sub Inspector of Police after



CRL OP(MD)No.16031 of 2021

completing the investigation laid a final report in C.C.No.56 of 2021 before the learned Judicial Magistrate, Andipatti, for the aforesaid offences.

3. Mr.K.Gokul, learned counsel for the petitioners would contend that the petitioners did not commit any offence and that since the first petitioner was instrumental in taking over the temple by the HR&CE Department of Tamil Nadu, State Government, the defacto complainant had foisted a false case against the present petitioners.

4. Per contra, Mr.R.M.Anbunithi, learned Additional Public Prosecutor appearing for the first respondent and Ms.J.Anandhavalli, learned counsel appearing for the second respondent would contend that the police after conducting proper investigation had laid a final report before the learned Judicial Magistrate, Andipatti and there is no good ground to quash the entire case.

5. It is seen from the records that there are three eye-witnesses to the occurrence and the specific case of the defacto complainant is that he was prevented from worshiping the deity at Arulmigu



CRL OP(MD)No.16031 of 2021

Muthumariyamman on 22.10.2021 at about 05.30 p.m and he was also attacked by the present petitioner. He sustained injuries and Dr.Mohamed Shakeel, Assistant Surgeon, Government Hospital, Andipatti opined that the injuries sustained by the defacto complainant was simple in nature. The contention of the learned counsel for the petitioners is that since the petitioners took efforts for handing over the temple to the HR&CE Department, the defacto complainant foisted a false case against them, cannot be gone into at this juncture as the same requires evidence. The complaint was lodged by the defacto complainant immediately after the occurrence and he had also sustained bleeding injuries.

6. In the circumstances, the final report cannot be quashed on the ground raised by the petitioners and accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

11.03.2023

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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CRL OP(MD)No.16031 of 2021

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To

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

R.HEMALATHA,J.



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CRL OP(MD)No.16031 of 2021

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CRL OP(MD)No.16031 of 2021

11.03.2023