



Crl.O.P.(MD) No.16850 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.16850 of 2021

and

Crl.M.P.(MD) No.9104 of 2021

1.Ilamparithi

2.Vimal @ Vimalraj

3.Vivek

4.Kesavan

5.Naveenkumar

... Petitioners

Vs.

1.State rep. by

The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(In Crime No.286/2021)

2.Senthilmurugan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the impugned FIR in Crime No.286/2021 dated 16.06.2021 on the file of the first respondent police and quash the same as illegal.



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For Petitioners : Mr.R.Murugan
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R2 : Mr.Muthu Samundeeswaran

ORDER

Seeking to quash the First Information Report (FIR) in Crime No. 286 of 2021 of Alanganallur Police Station, Madurai District, the present Criminal Original Petition is filed.

2. The petitioners are Accused in Crime No.286 of 2021 of Alanganallur Police Station, Madurai District. The case of the prosecution is that on 15.06.2021, at about 4.00 p.m., the second respondent/*de facto* complainant along with one Bharathi, residents of Pasingapuram had gone over to Boothakudi Perumalpatti Village in search of a missing Jallikattu Bull (ஜல்லிக்கட்டு காளை). The present accused and others who are residents of Boothakudi Village, on seeing the *de facto* complainant and others in their village, abused them in filthy language and also attacked them with wooden logs. Therefore, on 16.06.2021, at 13.00 hours, the second respondent/*de facto* complainant lodged a complaint, against the



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present accused, with the Inspector of Police, Alanganallur Police Station which came to be registered as FIR in Crime No.286 of 2021 for the offences punishable under Sections 147, 148, 294(b), 342, 323, 324 & 506(2) of the Indian Penal Code, 1860.

3. Before lodging the above said complaint [Crime No.286 of 2021], the first petitioner/Accused No.1, a resident of Boothakudi Perumalpatti Village lodged a complaint against the villagers of Pasingapuram including the second respondent/*de facto* complainant in Crime No.285 of 2021 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427 & 506(2) of the Indian Penal Code and Sections 3(1), 3(1)(s) & 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, stating that about 20 persons of Pasingapuram Village came down to Boothakudi Perumalpatti Village, abused the villagers of Boothakudi Perumalpatti Village in filthy language mentioning their caste name and also attacked them with deadly weapons.

4. Mr.R.Murugan, learned counsel appearing for the petitioners would contend that since the present petitioners/accused had lodged a



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complaint against the second respondent/*de facto* complainant and others in Crime No.285 of 2021, the second respondent/*de facto* complainant falsely gave the complaint in Crime No.286 of 2021. According to him, the petitioners/accused are innocents and they are in no way connected with the offence.

5. *Per contra*, Mr.Muthu Samundeeswaran, learned counsel for the second respondent/*de facto* complainant would contend that on 15.06.2021, the petitioners/accused, in fact, had gone to the village of the second respondent/*de facto* complainant, picked up quarrel with them, abused them in filthy language and also attacked them and therefore, the FIR was registered in Crime No.286 of 2021 against the petitioners/accused and the investigation in the instant case is still going on and prayed for dismissal of the present petition.

6. The learned Government Advocate (Crl. Side) appearing for the first respondent would contend that the investigation in Crime No.285 of 2021 is completed and a final report is also filed against the second respondent/*de facto* complainant and others for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427 & 506(2) of the Indian



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Penal Code and Sections 3(1), 3(1)(s) & 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Special Sessions Case No.73 of 2022 before the Additional District Court No. III for PCR Act cases, Madurai. His further contention is that as far as the present Crime No.286 of 2021 is concerned, the investigation is still pending and the police would be filing final report after getting wound certificates from the doctor.

7. A perusal of FIR in Crime No.286 of 2021 shows that the present petitioners/accused are residents of Boothakudi Perumalpatti Village and the villagers of Pasingapuram had gone over to the said Village in search of a missing Jallikattu Bull (ஜல்லிக்கட்டு காளை) on 15.06.2021 and initially there was wordy quarrel between the parties and subsequently it turned violent and both parties attacked each other with deadly weapons and wooden logs. The police instead of finding as to who are the aggressors in the instant case had registered two FIRs in Crime No.285 of 2021 and 286 of 2021 and filed a final report only in Crime No.285 of 2021. The contention of the learned Government Advocate (Crl. Side) appearing for the first respondent is that the investigation in Crime No. 286 of 2021 is still pending and they would be filing a final report after



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getting a wound certificate from the doctor. The contention of the learned counsel for the petitioners is that all the petitioners are innocents. The allegations in the FIR clearly show that certain cognizable offences are *prima facie* made out and it is for the police to investigate the matter.

8. The truth or otherwise of the complaint given by the *de facto* complainant ought to be investigated by the police and at this stage, this Court cannot hold that the petitioners/accused are innocent persons. The power under Section 482 of the Code of Criminal Procedure, 1973 can only be used sparingly and in extraordinary circumstances. Therefore, the present Criminal Original Petition is liable to be dismissed.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

08.01.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN



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To
The Inspector of Police,
Alanganallur Police Station,
Madurai District.



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R.HEMALATHA, J.

JEN

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