



W.P.(MD)No.20558 of 2022 and CrI.O.P (MD) No.5828 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:07.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20558 of 2022 and CrI.O.P (MD) No.5828 of 2023
and
CrI.M.P.(MD) Nos.5076 and 5077 of 2023

R.Jayaram

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District Tenkasi.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Tenkasi.
- 3.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 4.The Tahsildar,
Thiruvenkadam Taluk Office,
Tenkasi District.
- 5.The Inspector of Police,
Kariavalamvanthanallur Police Station,
Tenkasi District.
6. K.Krishnakumar
7. K.Sivakumar
8. G.Kumar



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9.C.Mariasamy

10.V.Ramar

11.V.Lingam

12.A.Selvamurugan

13.S.Muthaiah

14. R.Muthukannan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Nos.1 to 3 to take appropriate action against the respondents no.6 to 14 who were following the system of ex-communication against the petitioner and his family members by considering the petitioners representations dated 25.04.2022 and 19.08.2022 and pass suitable orders in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (CrI. Side)
for R1 to R5

CrI.O.P.(MD) No.5828 of 2023

1.P.Ramakrishnan

2.R.Jayaram

... Petitioners/
Accused Nos.1 & 2

Vs.

1.State rep.by
The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.
(Crime No.6 of 2022)

... 1st Respondent/
Complainant



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2.P.Muthulakshmi

... 2nd Respondent/
Defacto Complainant

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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of impugned charge sheet in C.C.No.777 of 2022 pending on the file of the learned Judicial Magistrate, Sankarankovil in Crime No.6 of 2022 dated 05.01.2022 for an alleged offence under Sections 294(b) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and quash the same as illegal.

For Petitioners : Mr.T.Thirumurugan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.) for R1
Mr.S.Siva Prakash for R2

COMMON ORDER

The issue involved in both cases are common and therefore, both these cases are taken up together and this common order is passed.

2.The writ petition has been filed for a direction to the official respondents to take action against the respondents 6 to 14 on the allegation that the petitioner and his family members have been excommunicated.



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3.The quash petition has been filed to quash the proceedings in C.C.No.777 of 2022 pending on the file of the learned Judicial Magistrate, Sankarankovil.

4.Heard Mr.T.Thirumurugan, learned counsel for the writ petitioner and Mr.B.Thanga Aravindh, learned Government Advocate appearing on behalf of the respondents 1 to 5 in the writ petition and Mr.S.Siva Prakash, learned counsel appearing on behalf of the second respondent in CrI.O.P.(MD) No.5828 of 2023.

5.The main grievance that has been expressed by the petitioner is that the private respondents are not permitting the petitioner and his family members to enter the temple and to use the public community hall and other public places and they are virtually excommunicated. The complaint given by the petitioner in this regard did not evoke any response. Therefore, the writ petition has been filed seeking for appropriate directions.



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6.The second respondent in the quash petition has given a complaint against the petitioners in the quash petition to the effect that the petitioners were asked by the villagers to submit the accounts pertaining to Kalamman Temple and as a result, on 04.11.2022, the petitioners abused the second respondent in filthy language and also caused threat. An FIR came to be registered in Crime No.1 of 2022 and on completion of investigation, the final report has been filed before the Court below which has been taken cognizance in C.C.No.777 of 2022 for offences under Section 294(b) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002.

7.The learned counsel for the private respondents in the writ petition and the second respondent in the quash petition submitted that the community people never resorted to any excommunication of the petitioners. In fact, the petitioners were also actively involved in the management of the temple and they did not submit the accounts and therefore, the villagers asked the petitioners to submit the accounts. It is only from such demand made by the villagers, the dispute started. The learned counsel submitted that at no point of time, the petitioner or his



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family members will be excommunicated since they also belong to the same community.

8.In the light of the specific stand that has been taken on the side of the private respondents in the writ petition, the apprehension of the petitioner has been redressed. It is made clear that the petitioner and his family members will not be excommunicated. Ultimately, if there is any dispute on the non-submission of the accounts pertaining to the Temple, the same will be worked out independently in accordance with law.

9.Insofar as the quash petition is concerned, it is alleged that the petitioners came to the house of the defacto complainant and abused her in filthy language. On careful reading the final report and also the statements recorded from the witnesses under Section 161(3) of Cr.P.C., it is seen that such abuse had taken place near the house of the defacto complainant. Except for the *ipse dixit* of the defacto complainant who was examined as L.W.1, no other witnesses support the same.



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10.In view of the above, the offence for which the final report has been filed against the petitioners is not made out. Accordingly, the proceedings in C.C.No.777 of 2022 on the file of the learned Judicial Magistrate, Sankarankovil, is hereby quashed.

11.In the result, the writ petition is disposed of in the above terms and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

07.11.2024

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
PKN		



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To

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Thiruvenkadam Taluk Office,
Tenkasi District.
- 5.The Inspector of Police,
Kariavalamvanthanallur Police Station,
Tenkasi District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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Dated:07.11.2024