



Crl.O.P.(MD)No.16786 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 14.11.2024
PRONOUNCED ON : 21.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.16786 of 2024
and
CRL MP(MD)Nos.10537 & 11713 of 2024

R.Ganesan

... Petitioner / Accused No.2

Vs.

1.The State of Tamil Nadu,
Rep.by The Sub-Inspector of Police,
Mukkoodal Police Station,
Tirunelveli District
(Ref: Crime No.135 of 2024) ... 1st Respondent / Complainant

2.Usha
Executive Officer,
Selection Grade Town Panchayat,
Mukkoodal
Tirunelveli District. ... 2nd Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C.No.398 of 2024, dated 03.07.2024, pending on the file of the learned Judicial Magistrate Court, Cheranmahadevi and quash the same as against this petitioner A2.



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For Petitioner : Mr.M.S.Suresh Kumar
For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R2 : Mr.K.Vinoharan

ORDER

The petitioner / A2 in C.C.No.398 of 2024, pending on the file of the learned Judicial Magistrate, Cheranmahadevi, facing trial for the offence under Sections 353 and 506(i) of IPC., has filed this Criminal Original Petition seeking a direction, to quash the charge sheet.

2. The case against the petitioner is that on 06.06.2024 in Mukkudal to Alangulam Main Road, near EB Office, sewage drain work was entrusted to MPR Infrastructure, who employed Loordu Fransis @ Alex, JCB Bokline Operator, to do the work and when the work was in progress, A1, who is the husband of Councilor of Ward No.14, come there, raised objections under what authority such a work has been carried out. Vanitha / Councilor of Ward No.13 informed that the work is carried out within her Ward limit and it is only after getting appropriate orders from the Authorities and it is a scheme work. The petitioner along with other two accused have also objected and not allowed the Government work to be carried out. The 13th Ward Councilor lodged a complainant to the Executive Officer of



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the Town Panchyat, Mukkudal, who, after verification lodged a complaint to the respondent Police, who initially, assigned CSR number and latter registered the case, on 11.06.2024, in Crime No. 135 of 2024, for the offence under Section 353 of IPC. On conclusion of the investigation, the respondent police filed the charge sheet against the petitioner and two others, including the offence under Sections 506(i) of IPC., listing 9 witnesses. At this stage, the present, quash application has been filed.

3. Mr.M.S.Suresh Kumar, the learned counsel appearing for the petitioner would submit that the alleged offence said to have taken place on 06.06.2024 and the case came to be registered on 11.06.2024 with five days delay. No reason has been given for the delay. There is a rivalry between 13th Ward Councilor and 14th Ward Councilors. A1 in this case is the husband of 14th Ward Councilor and he picked up quarrel with 13th Ward Councilor Vanitha, which has been magnified as though the petitioner along with A1 questioned, obstructed the work to be carried out and there was a verbal exchange of words. The said Vanitha taking advantage of situation to spike vengeance against A1 lodged the complaint to the Executive Officer, who without verifying the facts lodged the complaint to the respondent Police. From the complaint it is seen that the petitioner was merely present along with A1 and he had not abused or caused



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obstruction. Further, initially the FIR had been registered for the offence under Section 353 IPC., alone and latter, Section 506(i) IPC., has been added and it is not known as to how and what basis the same has been added and there is no justifiable reason and in order to project the case of severe nature, such alteration has been made. The petitioner has passed Teachers Eligibility Test (TET) Paper-I and Paper-II and he is on the verge of appointment as a teacher. If the above case is would be projected against the petitioner, he might be get disqualified. The petitioner with great difficulties had completed his education, now applied for a Government Job, got qualified in the written examination, awaiting the interview and posting and at this stage, the present case would be an obstacle for the getting the job. Apart from this, from the uncontroverted statement of the witnesses, there is nothing to show that the petitioner has actively taken part in the commission of offence except for his presence.

4. Mr.A.Thiruvadi Kumar, the learned Additional Public Prosecutor submitted that the contention of the petitioner is not sustainable. The defacto complainant is the Executive Officer of the Town Panchayat, Mukkudal. The complaint has been lodged on 06.06.2024 merely narrating the incident. Under the 15th Financial Commission United Grants for the years 2022-2023, the sewage canal project was approved and when the work was in progress, the



petitioner along with one Muthusamy/A1 and Boomi Balaperumal/A3 had come to the work spot, obstructed the work, used abusive words and threatened the 13th Ward Councilor. Since the work was time bound, the obstruction caused great difficulties. Despite showing the work order, A1 continued to obstruct and the other accused present there.

5. It is further submitted that in this case, 9 witnesses have been examined. L.W.1 is the Executive Officer; L.W.2 is the Ward Councilor; L.W.3, L.W.4 are the witnesses present in the scene of occurrence; L.W.5 is the JCB driver; L.W.6 and L.W.7 are the Observation Mahazar witnesses; L.W.8 is the person, who received the complaint and L.W.9 is the Sub-Inspector of Police, who conducted and completed the investigation. Even from the complaint and the statement of witnesses, the petitioner's name is clearly mentioned and the petitioner along with other accused caused obstruction to the work. As regards the petitioner, the the learned Government Advocate submitted that apart from this case, he has got no other previous antecedents.

6. I have heard the learned counsels appearing on either side and perused the materials available on record.



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7. It is seen from the statement of witnesses that the petitioner/A2 along with Muthusamy/A1 and Boomi Balaperumal/A3 present at the scene of occurrence. Muthusamy seems to have some objection for the work to be carried out. A1 is a contractor by himself and husband of 14th Ward Councilor. There seems to be some rivalry in the work carried out by the 13th Ward Councilor and objections raised. After the objections the work continued and completed. The petitioner said to be present along with Muthusami and Boomi Balaperumal in the scene of occurrence and except for the omnibus statement, there is no specific overt act against the petitioner. The petitioner appeared and cleared the TET exam. He also produced the Certificate of qualification for passing TET Paper-I and Paper-II. Now, after verification, appointment order may be issued. Naturally, this case would be cited against the petitioner, and the petitioner's job opportunity would get jeopardized. Taking the statement of all the witnesses, except for the general statement there is no specific averments against him, hence, this Court is inclined to quash the proceedings as against the petitioner alone.

8. In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.398 of 2024, pending on the file of the learned Judicial Magistrate, Cheranmahadevi, is hereby quashed as against



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this petitioner / A2. Since the case against the petitioner has been quashed, it cannot be taken against the petitioner in his future employment. Consequently, the connected miscellaneous petitions are closed.

21.11.2024

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Note : Issue order copy on 21.11.2024

To

1. The Judicial Magistrate,
Cheranmahadevi.
- 2.The Sub-Inspector of Police,
Mukkoodal Police Station,
Tirunelveli District
- 3.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR , J.

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Pre-Delivery Order made in
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21.11.2024