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Crl.O.P.(MD)No.21323 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21323 of 2024
and Crl.M.P(MD).No.13231 of 2024

Manoj @ Manojkumar

: Petitioner

Vs.

1.The State of Tamil nadu
rep., by the Sub-Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
Crime No.252 of 2023

2.Abraham

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in STC.No.619 of 2024 on the file of the Judicial Magistrate No.II, Sattur, and quash the same in respect of the petitioner.

For Petitioner

: Mr.N.Mariappan

For R1

: Mr.K.Sanjai Gandhi

Government Advocate (Crl.side)



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ORDER

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The petitioner, who is arrayed as A4 in STC.No.619 of 2024 and facing trial for the offences under Sections 143 and 290 of IPC, had filed this quash petition.

2. The case projected against the petitioner and 8 others is that on 03.07.2023 at about 11 am., there was a chariot of Arulmighu Venkatasalapathy temple, Sattur, for which, the petitioner and other accused persons were entrusted with the work of laying the sticks under the wheels of temple car for controlling its speedy as well as direction. The petitioner and other accused persons all belong to particular community and having distinct colour identity, they suddenly started wearing their community colour patch, T-shirt and ribbon and also making loud noise and shout. This according to the defacto complainant is against the undertaking and directions given during the Peace Committee Meeting before the Tahsildar Sattur, wherein it was agreed and decided that the persons, who are front and behind the chariot only to wear the identity card and patch provided by the temple and nothing else. Hence, they violated the undertaking and further if this action is not contemned, in future similar such display of community by this people would continue.



Hence, lodged complaint and case has been registered and thereafter, recording the statement of witnesses listing L.W.1 to L.W.7, charge sheet has been filed.

3. The contention of the petitioner is that the the petitioner and other accused hailing from the same village naturally belong to one community and they were behind the chariot for placing logs in the chariot to control the speed and direction. This was not like by others and false complaint has been made against them. The respondent police also not verifying the real facts, as projected as if the petitioner started displaying their community identity by wearing T-shirt, bands and ribbon, registered a case. Further, it is projected as if prior to that, there was Peace Committee before the Tahsildar and it was agreed that no such distinct display would be made and all would wear only identity card and the patch given by the temple administration and no one have any symbolic display of any political party or symbol colour etc. In this case, admittedly, the prosecution had not examined the Thasildar Sattur and the Peace Committee Meeting minutes have not been produced. Likewise, in this case, any of the T-shirt or ribbon worn by the petitioner has been seized. Thus, the entire case proceeds for the reason that in future such incident



not to be happened, which is not being the paramount of charge faced by the petitioner and further, in this case there are no public witness. When the temple car was driven in the public road, none examination of the public witness would prove that no such incident had taken place. Further, from the uncontradicted statement of the witness, it is clearly show that no case is made against the petitioner.

4. The learned Government Advocate (crl.side) submitted that in this case the petitioner and other accused belong to one community is not disputed. The petitioner to show their power worn their community colour ribbon and T-shirt and also creating disturbance by raising voice and shout, which is against the undertaking given before the Tahsildar, Sattur, during the Peace Committee Meeting. He further submitted that it is the public function, where the temple car was taken and it was an auspicious occasion and by show of their supremacy, these petitioners were drawing unnecessary attention and thereby creating discomfort between two communities. For this reason, the police team, which was providing security, had lodged a complaint and other police personnel, who were present during car festival, are all corroborated the statement of the defacto complainant. Pursuant to the same, observation mahazor and



rough sketch were prepared. He fairly submitted that the resolution of Tahsildar' Peace Committee Meeting has not been produced, likewise, Tahsildar, Sattur, was also not examined and no public has been examined in this case.

5. Considering the submissions and perusal of the material placed, it is seen that the entire case projected on the ground that the petitioner had violated the Peace Committee Meeting resolution, wherein they gave an undertaking that only the identicard and patch given by temple alone would be worn by them and no one will not wear any dress depicting the particular political party or association or group. But neither the Tahsildar has been examined nor Peace Committee Meeting report has been produced. Further, in this case, out of seven witnesses, two witnesses are private witnesses, who have been examined only to the limited extent of preparation of observation mahazor and rough sketch and no public gave complaint or examined to show that the petitioner was wearing their community colour dress and raising voice and shout. Further, from the uncontradicted statement of the witnesses, it is seen that there is no offence made out as projected by the prosecution. In view of the the same, this Court quashes the proceeding in S.T.C.No.619 of 2024 not only



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against the petitioner, but also all the accused, who are similarly placed. It is made clear that this case cannot be quoted against the petitioner or other accused for their education or future employment in any manner. This Criminal Original Petition is allowed accordingly. Consequently, connected Miscellaneous Petition is closed.

05.12.2024

NCC : Yes/No
Index : Yes / No
Rmk

To

- 1.The Judicial Magistrate No.II, Sattur.
- 2.The Sub-Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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