



Crl.O.P.No.10028 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10028 of 2025

and

Crl.M.P.Nos.6637 & 6638 of 2025

- 1.Kalanithi @ Soorapundi Kalanithi
- 2.Ilayapathy @ Ilapathy
- 3.Vinayagam
- 4.Chinna Munusamy

... Petitioners

Versus

- 1.State rep. by,
The Inspector of Police,
F3-Arambakkam Police Station,
Thiruvallur District.
(Crime No.7 of 2021)

- 2.Srinivasan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, 1973, to call for the records on the file of the learned District Munsif Cum Judicial Magistrate, Gummidipoondi, Thiruvallur District concerned in P.R.C.No.21 of 2024 insofar as these petitioners are concerned and quash the same.

For Petitioners : Mr. S. Sasikumar



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For Respondents : Mr. R. VinothRaja, (for R1)
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.21 of 2024, pending on the file of the learned District Munsif Cum Judicial Magistrate, Gummidipoondi, insofar as these petitioners are concerned.

2. The case of the prosecution is that on the date of opening of TASMAC shop, the petitioners assembled for agitation against the opening of TASMAC shop. During the agitation, the petitioners attacked the lorry carrying liquor bottles. The Supervisor of the TASMAC shop lodged a complaint against the petitioners. Based on the complaint, the first respondent registered a First Information Report in Crime No.7 of 2021 for the alleged offences under Sections 341, 323, 353 and 506(i) of the Indian Penal Code, (IPC), 1860 and Sections Tamil Nadu Prevention of Damage of Public Property Act, 1984. After completing the investigation, a final report was filed and the case has been taken on file,



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and is pending for committal in P.R.C.No.21 of 2024 before the District Cum Judicial Magistrate, Gummidipoondi, Thiruvallur District.

3. Heard both sides and perused the materials available on record.

4. After hearing both sides, it is seen that the petitioners sought police protection to prevent the defacto complainant from opening a new TASMAC shop in their area. During the course of protest, a quarrel arose between the petitioners and the defacto complainant, and stones were pelted at the lorry carrying liquor bottles, and thereby caused damage worth at about Rs.6,000/-.

5. Although there are allegations against the petitioners for damaging the lorry, there is no specific overtact attributed to the petitioners in the statements recorded from the witnesses. Further, the witnesses do not indicate that any injury was caused to the second respondent/defacto complainant, who is claimed to be a Supervisor of the TASMAC shop. Furthermore, no specific overtact as against the petitioners and all the allegations are bald and vague. Notably, the third



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petitioner had already lodged a complaint, which was registered in C.S.R. No.9 of 2021 as against the defacto complainant, and the same is pending before the first respondent.

6. In view of the above, this Court is inclined to quash the proceedings pending against the petitioners in P.R.C.No.21 of 2024 on the file of the District Munsif Cum Judicial Magistrate, Gummidipoondi, Thiruvallur District, on condition that the petitioners shall deposit a sum of Rs.20,000/- to the credit of P.R.C.No.21 of 2024 within two weeks from the date of receipt of a copy of this order.

7. On such deposit, the learned District Munsif Cum Judicial Magistrate, Gummidipoondi, Thiruvallur, is directed to deposit the said sum into the government treasury. If the petitioners fail to comply with the conditional order of this Court, the order stands automatically cancelled.

8. With the above observations and directions, this Criminal Original Petition is allowed. Consequently, connected miscellaneous



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petitions are also closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1.The Learned District Cum Judicial Magistrate,
Gummidipoondi, Thiruvallur.

2.The Inspector of Police,
F3-Arambakkam Police Station,
Thiruvallur District.
(Crime No.7 of 2021)

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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