



Crl.O.P.(MD)No.1111 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.1111 of 2025

and

Crl.M.P(MD)Nos.753 and 754 of 2025

1. E.Arul

2. A. Prince

.. Petitioners

Vs.

1. The Inspector of Police
Tiruchendur Police Station
Thoothukudi District

2.Karuppasamy
Sub Inspector of Police
Tiruchendur Police Station
Thoothukudi District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the final report in C.C.No.232 of 2019 dated 30.04.2019 on the file of the learned Judicial Magistrate, Tiruchendur, Thoothukudi District in Crime No. 45 of 2019 dated 25.01.2019 on the file of the first respondent and quash the same as illegal.



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For Petitioner : Mr.T.Aswin Raja Simman
For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.232 of 2019 dated 30.04.2019 on the file of the learned Judicial Magistrate, Tiruchendur, Thoothukudi District

2. The learned counsel appearing for the petitioners would submit that these petitioners are arrayed as A2 and A3 in this case for participation in the strike on 25.01.2009 and thereafter the Government had withdrawn all the complaints. But however the first respondent filed final report in this case. This court in similar kind of cases quashed the proceedings in Crl.O.P(MD) No.6888 of 2023 dated 17.04.2023, therefore the petitioners are entitled for the same relief.

3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that these petitioners participated in the strike on 25.01.2009. Therefore the respondent police registered a case in Crime



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No.45 of 2019 for the offences under Sections 294(b), 353 and 506(2) of IPC. Thereafter they conducted detailed investigation and final report and it is matter for trial, hence the petition is liable to be dismissed.

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

5. According to the petitioners they have been falsely implicated in this case and they have not even participated in the strike. As per prosecution these employees being Government servant participated in the strike in the year 2019. The Government also passed an order to withdraw the cases pertaining to strike by the Government Employees for the period from 22.01.2019 and 30.01.2019. However the first respondent filed final report against these petitioners. This Court also perused the G.O.Ms.No.9 Personnel and Administrative Reforms Department dated 09.09.2021. As per the above said G.O. the Government had withdrawn the prosecution against the government employees and this Court also in Crl.O.P(MD) No.6888 of 2023 passed order quashing the charge sheet by relying the above said G.O.Ms.No.9 Personnel and Administrative Reforms Department dated 09.09.2021. Since the case of the petitioners come within the said period mentioned in the said G.O, it is appropriate to



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allow this petition and the petitioners are entitled to the benefits of the
above said G.O.

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6. In view of the same, the Criminal Original Petition stands allowed and the proceedings in C.C.No.232 of 2019 dated 30.04.2019 on the file of the learned Judicial Magistrate, Tiruchendur, Thoothukudi District is hereby quashed. Consequently connected miscellaneous petitions are closed.

27.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate, Tiruchendur, Thoothukudi District
2. The Inspector of Police
Tiruchendur Police Station
Thoothukudi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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