



Crl.O.P.(MD)No.853 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.853 of 2025
and Crl.M.P(MD).Nos.575 and 576 of 2025

1.M.Periyakaruppan
2.R.Kannan
3.V.Murugan
4.M.Velusamy
5.L.Mani
6.Marnadu

: Petitioners

Vs.

1.The State of Tamil Nadu,
Rep., by the Sub Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
Crime No.67 of 2023

2.A.Suresh

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the charge sheet in C.C.No.15 of 2024 on the file of the Judicial Magistrate No.II, Virudhunagar and quash the same in respect of the petitioners as illegal.



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For Petitioners : Mr.C.Mayilvahana Rajendran
For R1 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioners were accused in C.C.No.15 of 2024 and facing trial for the offences under Sections 147, 294(a), 114 and 294(b) of IPC and Section 4 of TN Prohibition of Harassment of Women Act and Section 6 of Indecent Representation of Women Act. The contention of the petitioners is that the petitioners were showing active interest in organizing function in the welfare of the villagers, which was not liked by the rival group and they were waiting for an opportunity. During the Periakaruppasamy Kovil Panguni festival, the petitioners made arrangements for Adal Padal for the benefit of villagers. There was some opposition. Hence, the petitioners had approached this Court in W.P(MD).No.6729 of 2023 as festival organizer and this Court had granted permission. Thereafter, the cultural festival was organized. Aggrieved against the same, one Kathiresan who is the rival group of the village, has made false allegation as if there is obscenity in the Adal Padal function and approached this Court to take action against the petitioners,



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based on which, in W.P(MD).No.6870 of 2023, this Court had directed to take appropriate action. Taking advantage of the same, the respondent police had registered a case and thereafter, filed charge sheet in this case. Statement of L.W.1, Kathiresan, who is the rival, had been recorded and the other witnesses, namely, L.W.2, L.W.3 and L.W.4 are all belonged to rival group. Infact L.W.3 is the son of L.W.1. In the petitioners' village there are more than 500 people and except these four people, nothing had stated anything about any obscenity. Further, in this case, the police were against the petitioners because within stipulated time function could not be concluded. Hence, all are have been falsely implicated. Further submitted that statement of the witnesses taken as a whole it is seen that there is no offence made out.

2. The learned Additional Public Prosecutor submitted that one Kathiresan, L.W.1, had objected to conduct of Adal Padal festival, that too, on a holy occasion of temple festival, against which, the petitioner had approached this Court and obtained Court order and thereafter, Adal Padal festival was conducted and throughout night Adal Padal was conducted and caused annoyance to the public by having song and dance, which had



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double meaning. Further submitted that L.W.1 is rival party to the petitioners. He submitted that after Adal Padal, there was no untoward incident and there was no protest, except by the complaint of L.W.1.

3. The learned counsel for the petitioners submitted that in this case during temple festival and Adal Padal program, the police were very much present and there had been any obscenity or double meaning, the respondent police would immediately acted, but it was done so, which proves nothing happened and hence, it is a motivated complaint.

4. Considering the submissions and perusal of the materials, it is seen that the petitioners were accused, who have conducted Adal Padal program during Panguni festival and causing annoyance wearing indecent dress. Except the rival group, there is no other complaint and further it is seen that the police were present for பந்தோபஸ்த் throughout the programme and at that time, there was no complaint and this case is at the instance of Kathiresan, who is a rival party to the petitioners' group. The case has been registered, from the statement of witness and it is seen that there are more than 500 people in the village participates, no complaint



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from the others. It is seen that now all village activities are conducted with participation of one at all except the rival group. Hence, this Criminal Original Petition is allowed and the proceeding in C.C.No.15 of 2024 on the file of the Judicial Magistrate No.II, Virudhunagar, is hereby quashed. Consequently, connected Miscellaneous Petition are closed.

21.01.2025

NCC : Yes/No
Index : Yes / No
Rmk

To

- 1.The Judicial Magistrate No.II, Virudhunagar.
- 2.The Sub Inspector of Police,
Aviyur 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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