



Crl.O.P.(MD)No.20781 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.20781 of 2024

and

Crl.M.P(MD) No.12857 of 2024

1. Sathai Packiyaraj
2. Saidai Anbudhasan
3. Tamilnian
4. Balasundaram
5. Rajangam
6. Rajini
7. Parvendhan
8. Ganesh Kumar

.. Petitioners

Vs.

The Inspector of Police
Thilagarthidal Police Station
Madurai City

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in C.C.No.356 of 2016 with regard to the
petitioners.A1,3 to 6, 8 to 10 on the file of the learned Judicial Magistrate
No.I, Madurai and quash the same.

For Petitioners : Mr.M.Sheik Abdullah



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For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.356 of 2016 on the file of the learned Judicial Magistrate No.I, Madurai.

2. The case of the prosecution is that on 20.05.2000 at about 20.15 to 23.30 hrs the petitioners along with others being members of Makkal Thesam Katchi at Melamasi Vadakkumasi Veethi junction conducted rally creating enmity between two groups through their speech and also they supported the banned organization of Liberation Tigers of Tamil Eelam(LTTE) and thereby a case has been registered against them. The first respondent after completing investigation filed final report and the same was taken on file by the learned Judicial Magistrate No.I, Madurai and is pending in C.C. No.356 of 2016.

3. The learned counsel appearing for the petitioners would submit that the respondent police have registered a false case against the petitioners and others alleging that on 20.05.2000 at about 20.15 to 23.30



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hrs the petitioners along with others being members of Makkal Thesam Katchi at Melamasi Vadakkumasi Veethi junction conducted rally creating enmity between two groups through their speech and also they supported the banned organization of Liberation Tigers of Tamil Eelam(LTTE), therefore case has been registered. Infact rally was conducted on 20.05.2000 in a peaceful manner and a case was registered in Crime No.649 of 2001 and there after charge sheet was filed. The said prerogative speech was given by A1 and the case was registered against A2 and A3 ended in acquittal in C.C. No.484 of 2004, therefore there is no involvement of these petitioners in the occurrence , therefore the pending proceedings are liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that based on the complaint given by the defacto complainant they registered a case in Crime No.649 of 2001 for the offences under Sections 153(b), and 13(2) of Unlawful activities Prevention Act. Thereafter they conducted elaborate investigation and filed final report. Since there are prima facie materials the trial Court has taken cognizance and thereafter the case was split up as against these petitioners and the mother case ended in acquittal. However there are



specific allegations against this petitioners and therefore they have to face the trial and at this stage the petition is liable to be dismissed.

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

6. On perusal of records it is seen that the respondent police have registered a case against the petitioners and others and thereafter the respondent conducted investigation and filed final report and based on the final report the case was taken on file and the same is pending. Already the mother case was split up as against some of the accused and the said case ended in acquittal. The main allegation are as against the first accused namely Sathai Packiyaraj and the allegations are serious in nature. As per the First Information Report and final report there are some allegations to constitute the offence and prima facie materials available to proceed with the case as against the petitioners. Though the mother case ended in acquittal as against some of the accused there are prima facie materials available to constitute the offence as against these petitioners as per the final report and hence the petition is liable to be dismissed.



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7. In view of the same, the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions stand closed.

08.04.2025

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

- 1.The Inspector of Police
Thilagarthidal Police Station
Madurai City
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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