



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.15865 of 2014

and

M.P. (MD) No.1 of 2014

- 1.Malaichamy
- 2.Bose
- 3.Periya Karuppan @ Periya Perumal
- 4.Pandi
- 5.Murugan
- 6.Pandi
- 7.Sivakmar
- 8.Karthick
- 9.Lakshmanan
- 10.Azhagu
- 11.Arjunan
- 12.Sonai
- 13.Danasekaran
- 14.Jeyakumar
- 15.Murugan

..Petitioners

Vs.

- 1.The Inspector of Police,
Devathanapatti Circle,
Jeyamangalam Police Station,
Periyakulam, Theni District
Crime NO.59 of 2014.

- 2.S.Sonai

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned final report in S.T.C.No.1182 of 2014 on the file of the Judicial Magistrate, Periyakulam, dated 08.04.2014 and quash the same.

For Petitioners : Mr.K.Appadurai

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
No Appearance for R2

O R D E R

This quash petition is filed to quash the criminal proceedings in S.T.C.No.1182 of 2014 on the file of the Judicial Magistrate, Periyakulam, thereby taken cognizance as against the petitioners for the offence under Sections 143, 188, 341 of I.P.C., in which the petitioners are arraigned as A1 to A15.

2.The case of the prosecution is that without any notice, the petitioners and others alleged to have made a protest in front of Melmangalam Village Panchayat office and sitting on the road causing inconvenience to the traffic at 8.00 p.m., on 06.04.2014, while there was an order under Section 30(2) of Police Act, said to have been promulgated by the Deputy Superintendent of Police, Periyakulam Sub Division and knowingly aware of the said order, the petitioners are alleged to have disobeyed the same by conducting protest and agitated without permission, caused disturbance to the public on the road by forming unlawful assembly. Hence the charge.

3.The learned counsel appearing for the petitioners would submit that if at all the occurrence had taken place at 06.04.2018 at about 8.00 p.m., definitely, the police would have come to the spot immediately, since the allegations are that the petitioners are sitting on the road and caused disturbances to the public. Since the Village Administrative Officer and his Assistant have lodged false complaint as against the petitioners, the entire allegations are false and foisted as against the petitioners. Further, he would contend that there is absolutely no witnesses have spoken about the occurrence and to connect the petitioners, there are no materials to proceed with the trial. When there is no material to proceed with the trial, the petitioners unnecessarily would not have put them an ordeal trial. Therefore, he prayed for quashment of the criminal proceedings.

4.The learned Additional Public Prosecutor would submit that there are specific allegations and materials to connect the petitioners with the charge. Therefore, he prayed for the dismissal of the quash petition.

5.It is seen from the charge that on 06.04.2014 at about 8.00 p.m., the petitioners assembled unlawfully and sitting on the road causing inconvenience to the traffic and also disobeyed the promulgated order by the Deputy Superintendent of Police, Periyakulam Sub Division. Except the official witnesses, no one has spoken about the occurrence and no one was examined to substantiate the charges against the petitioners. It is also seen from the charge itself that the charges are very simple in nature and trivial. Section 188 reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/> 188. Disobedience to order duly promulgated by public servant - Whoever, knowing that, by an order



promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes to tender to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

6.Considering the above, this Court finds that for the simple charges, the petitioners cannot be put into an ordeal trial. Since they are all agriculturists belong to same village, the charges framed as against the petitioners are not sustainable. Therefore, this Court is inclined to quash the criminal proceedings as against the petitioners.

7.Accordingly, this criminal original petition is allowed and the criminal proceedings in S.T.C.No.1182 of 2014 on the file of the Judicial Magistrate, Periyakulam is quashed as against the petitioners. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1..The Inspector of Police,
Devathanapatti Circle,
Jeyamangalam Police Station,
Periyakulam, Theni District.

2.The Judicial Magistrate, Periyakulam.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.APPADURAI , ADVOCATE IN SR No. 87008.

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