



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP (MD)No.12896 of 2011
and
MP(MD)No.1 of 2011

1.K.Pandiarajan

2.Chimni Ashokan

... Petitioners

Vs.

1.The State of Tamil Nadu,
rep.by its Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar, Virudhunagar District.
(Crime No.152 of 2011)

2.R.Jawahar

... Respondents

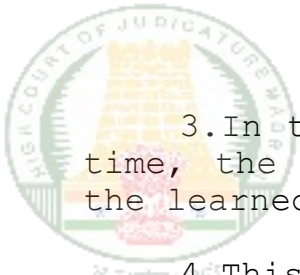
Prayer : This Criminal Original Petition is filed under Section 482 of Cr.PC, to call for the records in STC No.1028 of 2011 on the file of the learned Judicial Magistrate No.II, Virudhunagar and quash the same.

For Petitioners	:	Mr.N.Dilipkumar
For Respondents	:	Mr.A.Robinson, Government Advocate for R1

ORDER

The petitioners have filed this petition for quashing the proceedings in STC No.1028 of 2011 on the file of the learned Judicial Magistrate No.II, Virudhunagar. The F.I.R was registered at the instance of the second respondent. The respondent police filed their final report and the same was taken on file for the offences under Section 188 of IPC r/w 71(a) of the Madras City Police Act.

2.The incident pertains to the year 2011. The allegation against the petitioners is that they had convened a meeting in a private marriage hall in violation of the electoral code of conduct. This Court has consistently held that Section 188 of IPC can be invoked if on account of any disobedience on the part of the accused of a duly promulgated order by a public servant, something adverse happened. In this case, no such event is alleged to have happened.



3. In this view of the matter and considering the long lapse of time, the impugned prosecution in STC No.2018/2011 on the file of the learned Judicial Magistrate No.II, Virudhunagar is quashed.

4. This petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate No.II, Virudhunagar

2. The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar, Virudhunagar District.

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

+1cc to M/S.N.Dilipkumar, Advocate SR.No. 72600

CrI OP (MD) No.12896 of 2011
and

MP (MD) No.1 of 2011
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skm

JM/SKN RSK/SAR 3/16.08.2018/2P/5C