



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.2318 of 2019

and

Crl.M.P.(MD)Nos.1238 and 1239 of 2019

1.Muthukumar
2.Eswaran
3.Devandra Rajan
4.Rengasamy
5.Kannan
6.Vijayakumar
7.Ramachandran

: Petitioners

Vs.

State Represented by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
(Crime No.97 of 2016)

: Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in C.C.No.272 of 2016 on the file of the Judicial Magistrate No.II, Srivilliputhur and quash the same as against these petitioners.

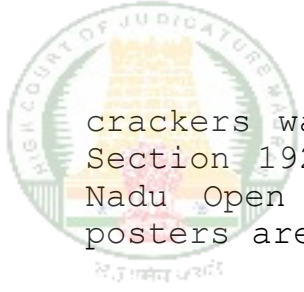
For Petitioners : Mr.C.Vakeeswaran
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the charge sheet filed pursuant to the investigation in Crime No.97 of 2016 for the offence punishable under Sections 143, 286 IPC and Section 192 (a) of Motor Vehicles Act and Section 4 (AA) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 r/w 188 IPC

2. The learned counsel for the petitioners submitted that the Investigating Agency has not followed the institution of the case for the offence under Section 188 IPC as the same has to be filed in the form of complaint before the Magistrate under Section 195 Cr.P.C.,

3. As to the reminder of the accusation is concerned the petitioners, who are some of the accused in the above said case, have burst crackers to welcome their candidate and this bursting of



crackers was treated as offence under Section 286 IPC. So far as Section 192 (a) of Motor Vehicles Act and Section 4 (AA) of Tamil Nadu Open Places (Prevention of Disfigurement) Act is concerned posters are pasted on the car of the candidate.

4. Considering the above, this Court sets aside each of the allegations as the same cannot constitute an offence under any provision as indicated therein. Accordingly, this criminal original petition is allowed and the charge sheet in C.C.No.272 of 2016 is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.II, Srivilliputhur .

2.The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
Nagercoil, Kanyakumari District.

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

+1cc to Mr.C.Vakeeswaran, Advocate, SR.No.52567

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