



3. Initially, the case was registered by the respondent police on the allegation that the petitioners and others were conducting road roko when the prohibitory order was in force.

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4. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the case has been charge sheeted under Sections 143 and 188 IPC.

5.1 Any complaint under Section 188 I.P.C., cannot be taken cognizance and it is not cognizable offence. This Court on perusing the papers satisfied that Section 143 IPC is inserted only to get over the initial lapse in not preferring the complaint for the alleged commission of offence under Section 188 IPC.

5.2 This Court vide its judgment in **Jeevanandham and Others Vs. State rep. By Inspector of Police, Velayuthampalayam Police Station, Karur District and another** [2018-2-L.W.(Crl.)606] has already held that the court can take cognizance under Section 188 IPC only on the basis of a complaint preferred before the Magistrate by the concerned public servant. This Court is in agreement with the reasoning of the said judgment.

6. In view of the same, the case in S.T.C.No.1156 of 2017 on the file of the learned Judicial Magistrate, Oddanchatram, Dindigul District, is hereby quashed.

7. In the result, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS)

CM

To

1. The Judicial Magistrate,
Oddanchatram,
Dindigul District
- 2.The Chief Judicial Magistrate,
Dindigul District.
3. The Inspector of Police,
Chatrapatti Police Station,
Dindigul District



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

+1 CC to M/s.R.JEGADESWARAN, Advocate (SR-51535[F] dated 04/03/2019)

Order made in
CRL.O.P. (MD) No.3246 of 2019
04.03.2019

ES/17.05.2019/3P/6C