



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.3651 of 2019

and Crl.M.P. (MD)No.2107 of 2019

WEB COPY

- 1.S.Syed Ali
- 2.M.Muhaideen
- 3.Appas @ Mohamed Appas
- 4.Mohamed Ibrahim
- 5.Appas
- 6.A.Chithik Ali
- 7.A.Abu @ Abil Barak
- 8.Syed Ali Badhusha
- 9.Asarap Billal
- 10.M.Saleem Raja
- 11.A.Risavu Mohamed
- 12.Mansoor Alikan
- 13.A.Abdur Jappar
- 14.Chithikkan @ MohamedChithikkan
- 15.Abdul Kathar @ Abdul Sathar
- 16.Shahul Hameethu @ Shahul Hameed
- 17.Mohamed Hussain
- 18.Ismail
- 19.Habipullah
20. Abupakkar Chithik
- 21.Lemon Ibrahim @ Mohamed Ibrahim
- 22.Asik @ Ashik Hajimullah
- 23.Syeik Mydeen @ Sheik Mydeen
- 24.Syeik Mydeen @ Sheik Mohamed
- 25.Akbar
- 26.Asan Ibrahim
- 27.Yasar Arapath
- 28.Rasappa : Petitioners/A1 to A5, A7-A26,A28-A30

Vs.

- 1.State, rep. by the Inspector of Police,
Puliangudi Police Station,
Tirunelveli District
(Crime No.392 of 2018)) ..1st Respondent/Complainant
- 2..Shanmugavel ..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.392 of 2018 on the file of the respondent No.1 police station and quash the same.



For Petitioner : Mr.S.M.A.Jinnah

For R1 : Mr.A.P.G.OHM Chairma Prabhu
Government Advocate(Crl.side)

ORDER

The present petition is filed to quash the First Information Report in Crime No.392 of 2018 for the offences under Sections 143, 290 IPC and Section 5(2) of the Noise Pollution (Regulation and Control) Rules, 2000.

2.The quintessence of the complaint is that on 02.12.2018, between 08.00 p.m to 10.00 p.m, the petitioners have obtained permission for conducting certain public meeting. But even after 22 hours, they conducted the meeting using loud speakers thereby created nuisance.

3.The learned counsel for the petitioner submitted that Section 5(2) the Noise Pollution (Regulation and Control) Rules, 2000, is not penal section whereas even when the statement of the investigating agency is true, Section 290 IPC insists maximum penalty of Rs.500/- as fine.

4. The matter in essence is a petty offence which should not consume what it deserves. This Court imposes a fine of Rs.200/- (Rupees two hundred only) each to the petitioners herein and they are directed to pay the penalty before the concerned Magistrate Court within a period of one week from the date of receipt of a copy of this order, lest, this petition will be construed as dismissed. Subject to this condition, the First Information Report in Crime No.392 of 2018 on the file of the first respondent police is quashed.

5. In the result, this Criminal Original Petition is disposed of. Consequently, connected Crl.M.P(MD)No.2107 of 2019 is closed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Police Station,
Tirunelveli District



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

cm

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KM/ (23.04.2019) 3P 3C