



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P. (MD) .No.4219 of 2019

and

Crl.M.P. (MD) .Nos.2537 & 2538 of 2019

Mrs.Jeyaseeli

... Petitioner / Sole Accused

Vs.

1.State represented by the

Inspector of Police,

Srivaikundam Police Station,

Thoothukudi District

(Crime No.114 of 2018)

... 1st Respondent / Complainant

2.Mr.Venkatesan,

Inspector of Police,

Srivaikundam Police Station,

Thoothukudi District.

... 2nd Respondent / De facto complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in S.T.C.No.1332 of 2018, pending before the learned Judicial Magistrate Court, Srivaikundam, Thoothukudi District and quash the same as illegal.

For Petitioner

: Mr.T.Lajapathi Roy

For R-1

: Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Crl. side)

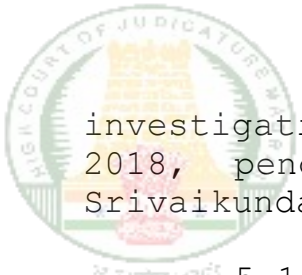
O R D E R

The present petition is filed to quash the proceedings in S.T.C.No.1332 of 2018, pending before the learned Judicial Magistrate Court, Srivaikundam, Thoothukudi District

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent.

3. The case was registered by the first respondent police for the offences under Section 188 IPC and Section 155 Cr.P.C on the allegation that the petitioner tried to travel to Chennai in order to participate in the Jacto Gio protestors by raising slogans in Srivaikundam Bus Stand.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that after completion of



investigation, case has been charge sheeted in S.T.C.No.1332 of 2018, pending before the learned Judicial Magistrate Court, Srivaikundam, Thoothukudi District.

5.1 Any complaint under Section 188 I.P.C., cannot be taken cognizance and it is not cognizable offence.

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 above, the proceedings in S.T.C.No.1332 of 2018, pending before the learned Judicial Magistrate Court, Srivaikundam, Thoothukudi District. is hereby quashed.

7. In fine, this Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate Court,
Srivaikundam, Thoothukudi District

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-55889[F] dated
22/03/2019)

CM

**Crl.O.P. (MD) .No.4219 of 2019
and**

**Crl.M.P. (MD) .Nos.2537 & 2538 of 2019
21.03.2019**