



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.4791 of 2019

and

Crl.M.P.(MD)Nos.2944 & 2945 of 2019

1.C.Varvel
2.V.Vijeesh

... Petitioners/Accused Nos.1 & 2
Vs.

1.State Rep. by its
The Sub-Inspector of Police,
Nithiraivilai Police Station,
Kanyakumari District.
(Crime No.21/2015) ...1st Respondent/Complainant

2.Louis,
Village Administrative Officer,
Aarudhesam Village,
Kanniyakumari District. ... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in S.T.C.No.163 of 2015, on the file of the Learned Judicial Magistrate Court No.II, Kuzhithurai, and quash the same as far as the petitioners herein are concerned.

For Petitioners : Mr.A.Anandaraj
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Criminal side)

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.163 of 2015 on the file of the Judicial Magistrate Court No.II, Kuzhithurai.

2.The case of the prosecution is that on 18.01.2015 the petitioners/A1 and A2 along with some local members formed an unlawful assembly for conducting prayer in front of a private house without getting prior permission from the police and caused hindrance to the general public. Hence, the second respondent, Village Administrative Officer, Aarudhesam Village, Kanyakumari District, lodged a complaint before the first respondent police. After completion of investigation, the first respondent filed a final report against the petitioners for the offences punishable under Sections 143, 188 and 353 IPC, before the Judicial Magistrate Court No.II, Kuzhithurai.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the State.

4. This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.163 of 2015, on the file of the Judicial Magistrate Court No.II, Kuzhithurai. A final report has been filed for the offences under Sections 143, 188 and 353 IPC. Insofar as the offences under Sections 188 and 143 IPC are concerned, this case is squarely covered by the decision of this Court in **Jeevanandham and others Vs. State, Rep. by the Inspector of Police, Velyuthampalayam Police Station, Karur District, and another** reported in **2019 (1) MLJ (Crl) 36** [Crl.O.P.(MD)No.1356 of 2018 etc. batch, dated 20.09.2018]. Insofar as the offence under Section 353 IPC is concerned, no case has been made out and the alleged offence is intrinsically connected with the other offence under Sections 188 and 143 IPC. Therefore, the final report is liable to be quashed even insofar the offence under Section 353 IPC is concerned.

5. In view of the above, the proceedings in S.T.C.No.163 of 2015 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, is hereby quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District.

2. Do-Thro-The Chief Judicial Magistrate,
Kanyakumari District

3. The Sub-Inspector of Police,
Nithiraivilai Police Station,
Kanyakumari District.

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

+1 CC to M/s.A.ANANDA RAJ, Advocate (SR-59772[F] dated 09/04/2019)

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