



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.04.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P. (MD)No.5327 of 2019

and

Cr1.M.P. (MD)Nos.3370 and 3371 of 2019

WEB COPY

- 1.Ravikumar
- 2.Mahalingam
- 3.Ganesavel
- 4.Yagopu
- 5.Lakshmanan
- 6.Rajaram
- 7.Murugesan
- 8.Ramamoorthy
- 9.Kalimuthu
- 10.Pandi
- 11.Thangam
- 12.Bose @ Madasamy
- 13.Ravichandran
- 14.Alagarsamy
- 15.Pon Senthil Kumar
- 16.Ramar
- 17.Mani
- 18.Pandaram
- 19.Marimuthu
- 20.Santhanakumar
- 21.Manivannan
- 22.Ramesh
- 23.Mohan
- 24.Mahalingam
- 25.Muthukannan
- 26.Kumaresan
- 27.Sundarraaj
- 28.Veerapandian

... Petitioners / accused Nos.1 to 28

-Vs-

- 1.The Sub-Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.

(FIR No.52 of 2017) ...1st Respondent / Complainant

- 2.Saravanakumar ... 2nd Respondent / Defacto

Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records pertaining to S.T.C.No.384 of 2018
on the file of the Judicial Magistrate Court No.I, Srivilliputhur,
Virudhunagar District and quash the same.



For Petitioners : Mr.R.Murugappan
For R1 : Mr.A.P.G.OHM Chairma Prabhu,
Government Advocate (Crl.Side)

ORDER

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The present petition is filed to quash the case in S.T.C.No.384 of 2018 on the file of the Judicial Magistrate Court No.I, Srivilliputhur, Virudhunagar District.

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

3.Initially, the case was registered by the first respondent police on the allegation that the petitioners assembled unlawfully in front of a TASMACH Shop No.11869, situated Near Koomapatty Bus Stand, Virudhunagar District and raised slogans and demonstrated for closing that TASMACH Shop.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the case has since 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.

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 present petition is allowed and the case in S.T.C.No.384 of 2018 on the file of the Judicial Magistrate Court No.I, Srivilliputhur, Virudhunagar District is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)



To:

1.The Judicial Magistrate No.I,
Srivilliputhur, Virudhunagar District.

2.The Sub-Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.

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

+1cc to Mr.R.Murugappan, Advocate, SR.No.60636

Crl.O.P. (MD) No.5327 of 2019
10.04.2019

SP/25.04.2019/3P/5C

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