



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.O.P.(MD)No.6362 of 2019
and Crl.M.P(MD)Nos.4203 and 4204 of 2019

1.Oli Mohamed
2.Vignesh Kumar
3.Satheesh Kumar
4.Tamilarasan
5.Kalidoss

: Petitioners / Accused Nos.1 to 5

-Vs-

The State represented by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District
(Crime No.454 of 2017)

: Respondent / Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records in connection with the impugned charge sheet in S.T.C.No.358 of 2018 on the file of the learned Judicial Magistrate, Devakottai and quash the same in respect of the petitioners.

For Petitioners : Mr.S.M.Sanjay
For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

The present petition is filed to quash the proceedings in S.T.C.No.358 of 2018 on the file of the learned Judicial Magistrate, Devakottai.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. Initially, the case was registered by the respondent police on the allegation that the petitioners have raised slogans and caused disturbance to the public peace and tranquility.

4. The learned Additional Public Prosecutor appearing for the 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.358 of 2018 on the file of the learned Judicial Magistrate, Devakottai, is hereby quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected Crl.M.P(MD)Nos.4203 and 4204 of 2019 are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

CM

To

1.The Inspector of Police,Devakottai Town Police Station,
Sivagangai District

2.Judicial Magistrate, Devakottai.

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

+1CC TO MR.S.M.SANJAY, Advocate Sr. No. 63744

Order made in
CRL.O.P. (MD)No.6362 of 2019
and Crl.M.P(MD)Nos.4203 and 4204 of 2019
29.04.2019

MRK(CO)

TR (27.05.2019) 3P 5C