



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P. [MD] No.11514 of 2018

and Cr1.M.P. (MD) Nos.5223 & 5224 of 2018

WEB COPY

- 1.Mokaiah @ Suriya
- 2.Suresh Kumar
- 3.Manohar
- 4.Rajarathinam
- 5.Palanisamy

: Petitioners

Vs.

- 1.The Inspector of Police,
Annavaasal Police Station,
Pudukkottai,
Purukkottai District.
Crime No.97 of 2015

- 2.Somasundaram : Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with C.C.No.33 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Keeranur, Pudukkottai District and quash the same and illegal.

For Petitioners : Mr.G.Mathavan

For R1 : Mr.A.P.G.OHM.Chairma Prabhu

Government Advocate (Cr1.Side)

ORDER

This petition is filed to quash the case in C.C.No.33 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Keeranur, Pudukkottai District.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Cr1.side) appearing for the first respondent.

3.The petitioners are arrayed as accused Nos.1 to 5 and face the charges for the commission of offences under Sections 143, 294 (b) @ 143, 294(b), 188, 353 and 506 (i) IPC.

4.The learned counsel for the petitioners submits there is no question of committing offence under Section 188 IPC and so far as other offences are concerned, the petitioners demonstrated the claim only in the nearest place of the road without causing any disturb to the public. Therefore, he prays for quashing the case.



5. The learned Government Advocate (Crl.Side) submits that the charges have been framed and summons have been served and the trial would commence on 14.02.2019.

6. 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. Therefore, the offences under Sections 188 and 143 of the I.P.C. are quashed as against the petitioners.

7. Except these Sections, this Court finds adequate materials for conducting trial. However, the learned District Munsif cum Judicial Magistrate, Keeranur, Pudukkottai District, is directed to dispose of the case in C.C.No.33 of 2016 within a period of four months from the date of receipt of a copy of this order.

8. In the result, this Criminal Original Petition is partly allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police, Annavasal Police Station,
Pudukkottai, Pudukkottai District.

2. The District Munsif cum Judicial Magistrate,
Keeranur, Pudukkottai District.

+1 CC to M/s.G.MATHAVAN, Advocate (SR-46506[F] dated 12/02/2019)

CM

Crl.O.P.[MD] No.11514 of 2018
and Crl.M.P. (MD) Nos.5223 & 5224 of 2018
08.02.2019

_KM/(10.05.2019) 2P 4C