



WEB COPY

CRL.O.P.(MD).No.13056 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. (MD) .No.13056 of 2019

and

CRL.M.P. (MD) Nos.8039 and 8040 of 2019

- 1.Elango
- 2.Soundarajan
- 3.Palanisamy
- 4.Murugesan
- 5.Karuppu
- 6.Pandi
- 7.Selvam
- 8.Pandi
- 9.Sangaran
- 10.Jeyapal
- 11.Karuppu
- 12.Raja
- 13.Subramani
- 14.Jeyachitra
- 15.Thavamani
- 16.Sumathi
- 17.Nathiya
- 18.Kalaiselvi
- 19.Valli

.. Petitioners/Accused 1 to 9

Vs.

The Inspector of Police,
Virusveedu Police Station,
Dindigul District.
(Crime No.163 of 2018)

.. Respondents/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned charge sheet in C.C.No.154 of 2019, on the file of the Judicial Magistrate, Nilakottai and quash the same.

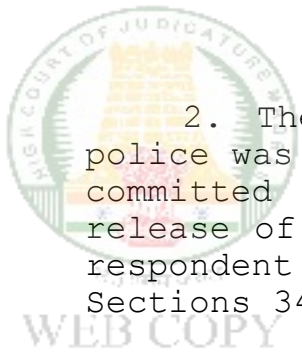
For Petitioners : Mr.V.Sasikumar

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.154 of 2019, on the file of the learned Judicial Magistrate, Nilakottai.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The case of the prosecution is that when the respondent police was patrolling, at that time, they found that the petitioners committed road roko without getting any permission for seeking release of water from the dam for doing cultivation. Therefore, the respondent police registered a case against the petitioners under Sections 341, 143, 188 of IPC.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons. He further submitted that in order to invoke the Section 188 of IPC, there must be valid promulgation order issued by the Deputy Superintendent of Police under Section 3(2) of the City Police Act. There was no promulgation was issued by the Deputy Superintendent of Police and hence, the offence under Section 188 of IPC without promulgation is not maintainable. Assuming that the said promulgation was issued, the same was not duly informed to the petitioners by proper mode of communication.

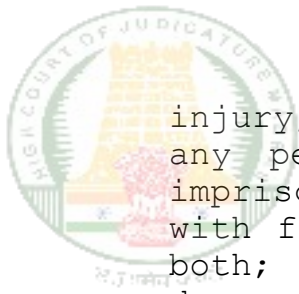
4. The learned counsel for the petitioner also submitted that so far as the other offence under Sections 341 and 143 are concerned, no material are placed by the prosecution to prove the offences under Sections 341 and 143. Therefore, he prayed for quashment of the criminal proceedings.

5. Per contra, the learned Government Advocate (Criminal Side) would submit that there are specific allegations as against the petitioners to proceed with the trial. The petitioners have committed road roko without getting valid permission. Therefore, he opposed the quash petition and prayed for dismissal of the same.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents/State and perused the materials available on record.

7. On a perusal of the charge as against the petitioners are concerned, the first respondent levelled the charge under Section 188 of I.P.C. as against the petitioners. It is seen from the charge that on 26.11.2018 at about 10.30.a.m, the petitioners have committed road roko without getting valid permission. Except the official witnesses, no one has spoken about the occurrence and no one was examined to substantiate the charge against the petitioner. It is also seen from the charge itself that the charges are very simple in nature and trivial. Section 188 reads as follows:

"188. Disobedience to order duly promulgated by public servant - Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience



injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

8.Considering the above, this Court finds that for the simple charge, the petitioners cannot be put into an ordeal trial. Therefore, this Court is inclined to quash the criminal proceedings as against the petitioners.

9.In view of the above discussions, this criminal original petition is allowed and the criminal proceedings in C.C.No.154 of 2019 pending on the file of the Judicial Magistrate, Nilakottai, is quashed as against the petitioners. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Judicial Magistrate, Nilakottai.

2.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.

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

+1 CC to Mr.V.SASIKUMAR, Advocate SR-88191.

**CRL.O.P. (MD) .No.13056 of 2019
and**

**CRL.M.P. (MD) Nos.8039 and 8040 of 2019
18.09.2019**

CS(15.10.2019) 3P 5C