



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM:

WEB COPY

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

Crl.O.P. (MD)No.20995 of 2018

1.Sivasuriyan ... Petitioner/Sole Accused

Vs.

1.The State Rep by,  
The Inspector of Police,  
Devakottai Town Police Station,  
Sivagangai District.  
(Crime No.195 of 2018) ...1<sup>st</sup> Respondent/Complainant

2.Mr.C.Vetrivel  
The Sub-Inspector of Police,  
Devakottai Town Police Station,  
Sivagangai District. ...2<sup>nd</sup> Respondent/Defacto  
Complainant

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the FIR in Crime No.195 of 2018 pending investigation on the file of the second respondent police and quash the same as against the petitioner.

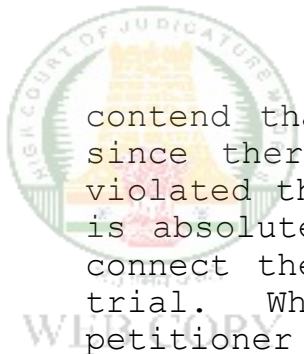
For Petitioner : Mr.S.Sathyachidambaram  
For R1 : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl.Side)

**ORDER**

This petition has been filed to quash the FIR in Crime No.195 of 2018 pending investigation on the file of the second respondent police.

2.The case of the prosecution is that on 30.10.2018 at about 12.00 a.m, the petitioner along with four other accused persons were go the the Muthuramalinga Thever Guru Poojai Festival by Bolero car illegally as against 144 proceedings passed by the District Collector, Sivagangai. Therefore, the first respondent police registered a case in Crime No.195 of 2018 for the offence under Sections 143 and 188 of IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not been committed any offence as alleged by the respondent. He would further



contend that the charge against the petitioner was not attracted, since there is no allegation against the petitioner that he has violated the 144 proceedings. Further, he would contend that there is absolutely no witnesses have spoken about the occurrence and to connect the petitioner, there are no materials to proceed with the trial. When there is no material to proceed with the trial, the petitioner unnecessarily would not have put them an ordeal trial. Therefore, he prayed for quashment of the case in Crime No.195 of 2018.

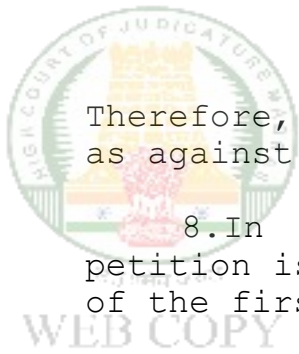
4.Per contra, the learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioner to proceed with the trial. Further, he would submit that the petitioner is a habitual offender by committing this kind of crimes. Therefore, he vehemently opposed the quash petition and prayed for dismissal of the same.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent/State and perused the materials available on record.

6.On a perusal of the charge as against the petitioner is concerned, the first respondent levelled the charge under Sections 143 and 188 of I.P.C., as against the petitioner. It is seen from the charge that 30.10.2018 at about 12.00 a.m, the petitioner along with four other accused persons were go the the Muthuramalinga TheverGuru Poojai Festival by Bolero car illegally as against 144 proceedings passed by the District Collector, Sivagangai. 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 causes or tends to cause obstruction, annoyance or 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.

7.Considering the above, this Court finds that for the simple charge, the petitioner cannot be put into an ordeal trial.



Therefore, this Court is inclined to quash the criminal proceedings as against the petitioner.

8. In view of the above discussions, this criminal original petition is allowed and the case in Crime No.195 of 2018 on the file of the first respondent police, is quashed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

dss

To

1. The Inspector of Police,  
Devakottai Town Police Station,  
Sivagangai District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Cr1.O.P. (MD)No.20995 of 2018  
27.11.2019

sv2 (CO)

TR(17.12.2019) 3P 3C