



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.17828 of 2019

and

Crl.M.P (MD) Nos.10478 and 10479 of 2019

WEB COPY

1. Mohamed
2. Mohamed Eliyas @Lliys
3. Abdhul Lathif @ Mohamed Ajit Rahuman
4. Abdhul Lafthif @ Adbudllathef
5. Janaki (Riyas) @ Riyaz Ahamed
6. Abdul Rahman
7. Seyathu Abdhahir
8. Sarbutheen

... Petitioners/Accused Nos.1 to 7 and 9
Vs.

The State rep. by

1. The Inspector of Police
City South Police Station
Dindigul ... 1st Respondent/Complainant

2. Kathiravan
The Inspector of Police
City South Police Station
Dindigul ... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in S.T.C.No.73 of 2018 on the of the learned Judicial Magistrate No.III, Dindigul in Cr.No.176 of 2017 on the file of the Respondent Police

For Petitioners	: Mr.B.Arun
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash final report filed by the respondent police which has been taken on file in S.T.C.No.73 of 2018 on the of the learned Judicial Magistrate No.III, Dindigul .

2.The case of the prosecution is that on 02.06.2017 the petitioners conducted protest against the illegal arrest of muslim young boy by the police and caused disturbance to the public. Hence the second respondent lodged a complaint before the first



respondent police and first respondent police registered a case in Crime No. 176 of 2017 for offences under Sections 341, 143, 188 of IPC and the case was taken cognizance by the learned Judicial Magistrate No.III, Dindigul. The said criminal proceedings is under challenge in this criminal original petition.

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3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offences as alleged by the prosecution. Due to political enmity, a false case has been foisted. The petitioners have not violated any rules. He would further contend that the charge against the petitioners were not attracted. Further, he would contend that there is absolutely no witnesses have spoken about the occurrence and to connect the petitioners, there are no materials to proceed with the trial. When there is no material to proceed with the trial, the petitioners unnecessarily would not have put them an ordeal trial. Therefore, he prayed for quashment of the criminal proceedings.

4.Per contra, the learned Government Advocate(Crl.Side) would submit that there are specific allegations as against the petitioners to proceed with the trial. Further, he would submit that the petitioners are habitual offenders 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 petitioners and the learned Government Advocate(Crl.Side) appearing for the respondents/State and perused the materials available on record.

6.On a perusal of the charge as against the petitioners are concerned, the first respondent levelled the charge under Sections 341, 143, 188 of IPC as against the petitioners. It is seen from the charge that 02.06.2017 the petitioners conducted protest against the illegal arrest of muslim young boy by the police and caused disturbance to the public without obtaining any valid permission conducted protest to give rations things without delay and supply good products to the consumers. 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 petitioners cannot be put into an ordeal trial. Therefore, this Court is inclined to quash the criminal proceedings as against the petitioners.

8.In view of the above discussions, this criminal original petition is allowed and the criminal proceedings in S.T.C.No.73 of 2018 on the of the learned Judicial Magistrate No.III, Dindigul, is quashed as against the petitioners herein. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.III, Dindigul
- 2.The Chief Judicial Magistrate No.III, Dindigul.
3. The Inspector of Police
City South Police Station
Dindigul
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.17828 of 2019

and

Crl.M.P (MD) Nos.10478 and 10479 of 2019

08.11.2019

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