



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

WEB COPY

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

Crl.O.P.(MD)No.17837 of 2019

and

Crl.MP(MD)No.10482 of 2019

S.Sundar

...Petitioner/Sole Accused

-Vs-

1.State rep by

The Inspector of Police,
C4-Thilakar Thidal (L & O) Police Station,
Madurai City, Madurai.
(S.T.C.No.68 of 2015)
(Crime No.203 of 2015)

... 1st Respondent/Complainant

2.P.Pandivel

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records in S.T.C.No.68 of 2015 on the file of the learned Judicial Magistrate No.II, Madurai, and quash the same as illegal.

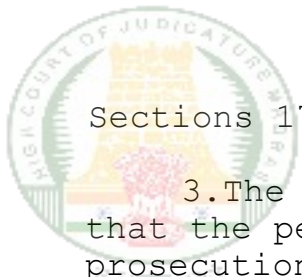
For Petitioner : Mr.P.Ganapathi Subramanian

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

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.68 of 2015 on the file of the learned Judicial Magistrate No.II, Madurai.

2.The case of the prosecution is that the petitioner has illegally ran a office in the name of 'Human Rights Organization' as against the Tamil Nadu Government order dated 22.01.2010 and he cheated the public and Government. Hence, the respondent police registered a case in Crime No.203 of 2015 for the offences under



Sections 170 and 188 of IPC, as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case. Further, he submitted 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 criminal proceedings.

4.Per contra, the learned Government Advocate (Crl.Side) would submit that there are specific allegations as against the petitioner to proceed with the trial. Further, he would submit that the petitioners are 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 Government Advocate (Crl.Side) appearing for the first 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 170 and 188 of IPC, as against the petitioner. It is seen from the charge that the petitioner has illegally ran a office in the name of 'Human Rights Organization' as against the Tamil Nadu Government order dated 22.01.2010 and he cheated the public and Government. 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 of 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 proceedings in S.T.C.No.68 of 2015 on the file of the learned Judicial Magistrate No.II, Madurai,, is quashed as against the petitioner herein. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

1.The Judicial Magistrate No.II,
Madurai,

2.The Inspector of Police,
C4-Thilakar Thidal (L & O) Police Station,
Madurai City, Madurai.

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

CrI.O.P. (MD) No.17837 of 2019
and
CrI.MP (MD) No.10482 of 2019
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JMN(20.12.2019) 3P : 4C