

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.27454 of 2019
and CRL.M.P.No.14611 of 2019

M.Siva ... Petitioner/Accused Rank No.22

Vs.

1. The State, Rep by
The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
(Cr.No.537 of 2016)

..Respondent/Complainant

2. Saravanan
Village Administrative Officer
Nallampalli Village,
Dharmapuri District. ... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the charge sheet in S.T.C.No.400 of 2017 u/s.143 & 188 IPC on the file of the learned Judicial Magistrate - II, Dharmapuri, in Crime No.537 of 2016 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.A.Suresh Sakthi Murugan
For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to the charge sheet in S.T.C.No.400 of 2017 u/s.143 & 188 IPC on the file of the learned Judicial Magistrate - II, Dharmapuri, in Crime No.537 of 2016 on the file of the 1st respondent Police and quash the same.

2.The petitioner is one of the accused and has been arrayed as accused No.22 in a case in Crime No.537 of 2016 on the file of the 1st respondent police for the offences under Sections 143 & 188 IPC. The prosecution is that on 22.12.2016 at 05.00 p.m., the petitioner along with other 29 accused has gathered near

Nallampalli bus stop in unlawful manner and attempted to make a demonstration and thereby violated Section 32 (ii) of Police Act. It appears that after investigation a charge sheet was also laid before the concerned Judicial Magistrate against the petitioner and others under Sections 143 & 188 IPC.

3.The learned counsel appearing for the petitioner would contend that the issue involved in this petition has already been covered by order of this Court in Jeevanandam Vs. State Represented by the Inspector of Police, Velayuthamalayam Police Station reported in 2008 (2) Law Weekly (Criminal) 606. According to the learned counsel, the petitioner has charged with for the offences under Section 143 and 188 IPC and taking cognizance of offences under Section 188 IPC, there is a bar under Cr.P.C without complaint has contemplated under Section 195(1)(a)(i), there shall be no proceeding initiated and thereby the charge sheet is liable to be quashed.

4.As rightly contended by the learned counsel for the petitioner the issue involved in the present petition has already been covered by order of this Court in the decision cited supra, and no ingredients were made out to constitute under Section 143 and 188 IPC. This Court is inclined to allow the petition as prayed for. Accordingly, this Criminal Original Petition is allowed and the charge sheet in S.T.C.No.400 of 2017 u/s.143 & 188 IPC on the file of the learned Judicial Magistrate - II, Dharmapuri, in Crime No.537 of 2016 on the file of the 1st respondent Police is hereby quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
- 2.Village Administrative Officer,
Nallampalli Village,
Dharmapuri District.
- 3.The Judicial Magistrate - II,
Dharmapuri,

4.The Public Prosecutor,
Madras High Court, Chennai.

CrI.O.P.No.27454 of 2019

PVS (CO)
SP(01/10/2020)



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