



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRL OP(MD) No.13960 of 2020

and Crl.M.P. (MD) Nos. 6396 & 6397 of 2020

WEB COPY

1. Parthasarathy
2. T. Mathivanan
3. Muthunathan
4. C. Rajadurai

... Petitioners/A-1 to A-4
Vs.

1. State rep by the Sub- Inspector of Police
South Thamaraikulam Police Station,
South Thamaraikulam, Kanyakumari District.
(Crime No.8 of 2018)

...R-1/Complainant

2. Jacob TRG

...R-2/Defacto complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in STC No. 262 of 2020 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and quash the same as illegal in respect of the petitioners.

For Petitioners : Mr.G. Anto Prince

For R-1 : M/s.S.E. Veronica Vincent
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in STC No. 262 of 2020 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, for the offences under Sections 143, 188 and 353 of IPC, as against the petitioners.

2. The allegation of the FIR is that, on 15.01.2018, while the defacto complainant/Sub-Inspector of police was on patrol duty, he found that the people of Keezha Ratha Veethi Swamithoppu were celebrating 18th Pongal Festival beyond the permission time given by the Station House Officer of South Thamaraikulam Police Station and when the defacto complainant asked the accused persons to stop the function. They refused to do so. Hence, the present FIR has been registered in Crime No.8 of 2018 for the offences under Sections 143, 188 and 353 of IPC.



3. The learned counsel for the petitioner would state that the petitioners have been falsely implicated in the present crime and the petitioners/accused persons have conducted the above festival only based on prior permission given by the Station House officer, South Thamaraiikulam Police Station, Kanyakumari District and there was no oral or criminal force and as such the offence under Section 353 of IPC is not made out. Thus, prays for quashing the charge sheet.

4. The learned Government Advocate (criminal side) would state that, despite the second respondent police asked the petitioners/A-1 to A-4 to stop the above festival, since it was being held beyond the permitted time, the petitioners have refused to stop the function, thereby, caused disturbance to the general public. However, she would clearly state that no violence or untoward incident had taken place.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.Side) for the 1st respondent.

6. On perusal of record shows that, though the FIR has been registered for the offences under Sections 143, 188 and 353 of IPC, charge sheet has been filed for the offence under Section 353 of IPC, only. Though the allegation in the FIR is that the petitioners have conducted festival beyond the permitted time and despite the request of the second respondent they refused to do so. No fruitful purpose will be served in allowing criminal proceedings to continue. It is the submission of the learned Government Advocate (crl. Side) that there is no violence or untoward incident had taken place. Considering the submission of the learned Government Advocate (crl. Side) that no violence or untoward incident had taken place, this Court is inclined to quash the proceedings in S.T.C. No. 262 of 2020.

7. Accordingly, the impugned proceedings in S.T.C. No. 262 of 2020 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, are quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:-

1. The Judicial Magistrate No.III, Nagercoil,
Kanyakumari District.
2. The Sub- Inspector of Police
South Thamaraikulam Police Station,
South Thamaraikulam, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai-23.

CRL OP. (MD) No.13960 of 2020
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