



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P. (MD) .No.19238 of 2019

and

CrI.M.P. (MD) Nos.11289 & 11290 of 2019

WEB COPY

- 1.Karunai Eswaran
- 2.Balasubramanian
- 3.Mohamed Asen
- 4.Kasim Mohamed
- 5.Velusamy
- 6.Mahathum Bava
- 7.Ganesan, S/o.Palanivel Thevar
- 8.Sevaga
- 9.Iufkhan
- 10.Haitharali
- 11.Latsam
- 12.Ganesan, S/o.Sowdharrajan
- 13.Mariappan
- 14.Kandaiah
- 15.Sickandar
- 16.Siththik Ali
- 17.Muniyandi
- 18.Inayathulla
- 19.Vellaithurai
- 20.Palraj
- 21.Kottamalai



23.Muneshwaran

24.Palpillai @ Balu

25.Chinappan

26.Sundarraaj

27.Immamsha

28.Balasubramaniyan

29.Muthaiah

30.Apthakir @ Abuthakir

31.Dinakaran

32.Paramasivan

33.Chinnakalai

34.Samuvel

35.Puthiyaraj ..Petitioners/Accused Nos.1 to
8, 10 to 22, 24 to 32, 34 to 38
Vs.

The State of Tamil Nadu
The Sub Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
(Crime No.37 of 2017)

..Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in S.T.C.No.383 of 2018 pending before the Judicial Magistrate No.I, Srivilliputhur, Virudhunagar District and quash the same in respect of petitioners herein.

For Petitioners : Mr.D.Farjana Ghoushia for
M/s.G.Mariappan

For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> The Criminal Original Petition has been filed to quash the



proceedings in S.T.C.No.383 of 2018 pending before learned Judicial Magistrate No.I, Srivilliputhur, Virudhunagar District.

2.The learned counsel for the petitioners relied upon the judgment of this Court in the case of **Jeevanandham and others Vs. The Inspector of Police, Karur District and another** reported in **2018-2-L.W. (Cr1) 606** and would submit that violation of Section 30 (2) of the Police Act will not constitute an offence under Section 143 of IPC, as an order passed under Section 30 (2) of the Police Act is only regulatory in nature. The police cannot prohibit any agitation in the above said circumstances. Therefore, the learned counsel for the petitioners prayed that the charges under Section 143 IPC is also liable to be quashed as per the judgment of this Court cited above and also the another judgment of this Court in the case of **Raja Vs. The Inspector of Police, Sivakasi Town Police Station** reported in **2019 4 MLJ (Cr1) 175**.

3.The learned Additional Public Prosecutor would submit that originally the case was registered for the offences under Sections 188 and 143 of IPC. Thereafter, Section 188 of IPC was deleted and the final report has been filed under Section 143 of IPC alone. The present case is covered and similar to the cases as cited above.

4. In view of the above, the proceedings in S.T.C.No.383 of 2018 on the file of the learned Judicial Magistrate No.I, Srivilliputhur, Virudhunagar District, is hereby set aside and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Dss

To

1.The Judicial Magistrate No.I,
Srivilliputhur, Virudhunagar.

2.The Sub Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.



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

+1 CC to MR.G.MARIAPPAN, Advocate (SR-1450[F] dated 10/01/2020)

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and
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KM/ (30.01.2020) 4P 5C