



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.15097 of 2021 and

CRL.M.P.(MD)No.8074 of 2021

WEB COPY

1. M.Ganesan
2. L.Perumal
3. G.Gowthambharathy
4. P.Subbaiyam
5. M.Sivakumar
6. G.Manivanan
7. K.Pandi
8. K.Mariyappan
9. R.Ramachandran
- 10.M.Murugan
- 11.M.Nagaraj
- 12.M.Venkadesh
- 13.A.Udayar
- 14.S.Sudalaimani
- 15.S.Seenivasan
- 16.I.Rajausain
- 17.A.Siva
- 18.R.Pandi
- 19.R.Suresh
- 20.K.Rajayyar
- 21.K.Murugan
- 22.M.Bharathi
- 23.S.Saravanakumar
- 24.M.Abdullah
- 25.P.Jothibas
- 26.S.Raja
- 27.S.Fernodignes
- 28.M.Pandi
- 29.L.Saminathan
- 30.A.Venkateswaran
- 31.V.Ravikumar
- 32.K.Palani
- 33.M.Dhanuskodi
- 34.P.Selvam
- 35.V.Ramakrishnan
- 36.J.Saravanakumar
- 37.A.Marikani
- 38.A.Muthu
- 39.R.Palaniyappan
- 40.A.Rajendran
- 41.T.Murugesan
- 42.R.Manokaran
- 43.G.Velmurugan

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44.G.Ayyanar
45.S.Rajendran
46.M.Mohamedserif
47.L.Thangavel
48.P.Kajendra Moorthy
49.T.Kanagavel
50.S.Ravisankar
51.A.Chandramohan
52.V.Gurusamy
53.S.Shakthivel
54.S.Ganesan
55.K.Ilangovan
56.S.Veerabathran
57.P.Sivaraman
58.S.Senthilkumar
59.I.Ramasubramaniyan
60.R.Lenin
61.A.Vallaiyappan
62.P.Krishnamoorthy
63.K.Maiyilvaganam

... Petitioners / Accused Nos.1 to 6,
8 to 26 & 28 to 63

Vs.

State rep. By,
The Inspector of Police,
Jaihindpuram police station,
Madurai City,
Madurai.
(Crime No.918 of 20217)

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in S.T.C.No.1592 of 2018 on the file of the Judicial Magistrate No.IV, Madurai and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.R.Murali
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the proceedings in S.T.C.No.1592 of 2018 on the file of the Judicial Magistrate No.IV, Madurai.



3. The petitioners are facing trial for the offences under Sections 143, 341 and 188 of I.P.C.

4. The case of the prosecution is that the petitioners have assembled in violation of the prohibitory orders and committed the offences in question. As rightly pointed out by the learned counsel for the petitioner, the police could not have registered a case for the offence under Section 188 of I.P.C. The issue is squarely covered by the decision reported in 2018-2-L.W.(Cr1.) 606 (*Jeevanandham and others Vs. State rep. by Inspector of Police*).

5. It is seen that the petitioners wanted the local liquor shop of TASMACH to be shut down. The policy of prohibition is a constitutional mandate. It means that the liquor shops should be closed. The petitioners did not indulge in any act of violence. Continuance of the impugned prosecution is unwarranted. The impugned proceedings are quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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.IV, Madurai.
2. The Inspector of Police,
Jaihindpuram police station,
Madurai City, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-37020[F] dated 02/12/2021)

Cr1.O.P. (MD) No.15097 of 2021
01.12.2021

_RD(20.12.2021) 3P 5C