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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.4864 of 2022 and
Cr1.M.P.Nos.2557 and 2559 of 2022

Pandian

... Petitioner/Accused

-Vs-

1. Inspector of Police
Killai Police Station,
Cuddalore District.
(Cr.No.13 of 2015)

2.Nagarajan
Sub Inspector of Police,
Killai Police station, Cuddalore District.

.. Respondents/Complainant/
defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in STC.No.271 of 2020 on the file of the Judicial Magistrate-I, Chidambaram and quash the same.

For Petitioner : Mr.P.Anbazhagan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in in STC.No.271 of 2020 on the file of the Judicial Magistrate-I, Chidambaram and quash the same.

2. The case of the prosecution is that on 18.01.2015 at about 2.00am when the respondent along with his men were on usual rounds, he had seen the accused in an unlawful assembly and conducting cultural program beyond the permitted time. When the respondents asked them to stop the program and disperse, the petitioners have abused the officers and have prevented the officers from discharging their official duty and continued to conduct the program. Based on the complaint a case in Cr.No.13 of 2015 for offences under Section 143, 188 and 353 of IPC.



After completion of investigation final report was filed in STC.No.271 of 2020.

3. The learned counsel for the petitioner would submit that on reading of the entire materials no case has been made out against the petitioner for the above offences. The learned counsel would further submit that no untoward incident had happened and the case has been registered without following the provisions of Cr.PC.

4. The learned Additional Public Prosecutor would submit that the petitioner and others were conducting cultural programme beyond the prescribed time and when the respondents had questioned them and instructed them to stop the programme and disperse, the organisers, have prevented the officials from discharging their function. However, he would submit that there was no violence and any untoward incident had happened and nobody was assaulted.

5. Heard both sides and perused the materials on record.

6. The facts of this case is similar to the facts covered by the Judgment of this Court reported in 2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019. Further, taking into consideration the entire materials, the ingredients of offence under Section 353 IPC are also not made out against the accused.

7. In view of the above, this Court is of the opinion that further proceedings against all the accused is an abuse of process of law and no useful purpose will be served by keeping the proceedings pending in respect of all the other accused also.

8. Accordingly, the criminal original petition stands allowed and the proceedings in S.T.C.No.271 of 2020 on the file of the Judicial Magistrate No.I, Chidambaram is hereby quashed in respect of all the accused. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar



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1. The Judicial Magistrate-I, Chidambaram.

2. The Inspector of Police
Killai Police Station,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Anbazhagan, Advocate, S.R.No.15355

Crl.O.P.No.4864 of 2022 and
Crl.M.P.Nos. 2557 and 2559 of 2022

NMI (CO)
CT 12/04/2022