



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9206 of 2022

and

Crl.M.P.Nos.5357 & 5360 of 2022

1. Uchimagakali @ Uchimakali
2. Jansi Rani
3. Niruban Chakaravarthi
4. Subbashchandra Boss
5. Chinthan
6. Vignesh
7. Sakthivel
8. Chandru
9. Sarath Kumar
10. Prabhakaran

... Petitioners

Vs.

1. The State Represented by:-  
The Inspector of Police,  
V-5, Thirumangalam Police Station,  
Chennai - 101.

2. C.Lawrance Mani

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to call for the records in C.C.No.2330 of 2022 on the file of the learned XIII Metropolitan Magistrate Court, at Egmore and to quash the same.

For Petitioners : Mr.R.Thirumoorthy

For Respondents : Mr.A.Gokulakrishnan  
Additional Public Prosecutor.



## O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.2330 of 2022 on the file of the learned XIII Metropolitan Magistrate Court, at Egmore and to quash the same.

2. The case of the prosecution is that on 11.05.2017 at about 12.00 p.m., when the 2<sup>nd</sup> respondent/defacto complainant i.e, the Sub-Inspector of Police attached with 1<sup>st</sup> respondent Police Station, while on his regular patrol checkup had found that 15 persons who belong to S.F.I. unlawfully assembled without prior permission and stopped the vehicled by raising slogans in front of the CBSE South Zone Office, Anna Nagar. The Sub-Inspector of Police had directed them to disburse, they have not disbursed and thereby, the respondent police had arrested them and registered the case in Crime No.861 of 2017 for the offence under Sections 143 and 188 of IPC.

3. The learned counsel appearing for the petitioners would submit that the facts of the case are similar to the case covered in the decision 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 the 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.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that the facts of the case are similar to the facts covered under the Judgment referred above.

5. Heard the learned counsel and perused the materials available on record.

6. In the Judgment reported in 2018 2 LW (Crl) 606 [Jeevanandham and others Vs The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018, it has been held that the police has no right to file a case under Section 143 and 188 of IPC and to investigate the same without getting proper permission from the concerned Jurisdictional Magistrate. Here, there is no material to show that before registering the case, permission of the concerned



jurisdictional Magistrate has been obtained. In such circumstances, the respondent has no right to register the case and to investigate the matter.

7. In view of the above, this Court is of the opinion that 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 C.C.No.2330 of 2022, pending on file of the learned XIII Metropolitan Magistrate Court, at Egmore, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rgi  
To

1. The XIII Metropolitan Magistrate Court,  
Egmore, Chennai-600 008.
2. The Inspector of Police,  
V-5, Thirumangalam Police Station,  
Chennai - 101.
3. The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.R.Thirumoorthy, Advocate Sr.28820

Crl.O.P.No.9206 of 2022  
and Crl.M.P.Nos.5357 & 5360 of 2022

skm[co]  
srg 10/05/2022