



Crl.O.P.No.27451 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.27451 of 2019

and

Crl.M.P.No.14608 of 2019

P.Gopinath

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

2.Porkodi

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the charge sheet in S.T.C.No.828 of 2018 under Sections 143, 341 & 188 I.P.C., on the file of the learned Judicial Magistrate, Pennagaram, Dharmapuri District in Crime No.25 of 2018 on the file of the 1st respondent police and quash the same.

For Petitioner : M/s.A.Suresh Sakthi Murugan

For R1 : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

For R2 : No appearance

ORDER



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This Criminal Original Petition to quash is filed by the 12th accused against whom the First Information Report has been registered along with others for the offences under Sections 143, 341 and 188 I.P.C.

2. The learned counsel for the petitioner submits that there was a group clash between two groups and the police did not take action against the villagers, hence some villagers gathered in the road and protested. Being aggrieved by the said act of the villagers, the Village Administrative Officer has given a false complaint stating that she was restrained from carrying out her official duty and she was attacked and also the villagers formed unlawful assembly besides refusing to disburse in spite of the order.

3. The Judicial Magistrate, Pennagaram has taken a final report on file and assigned S.T.C.No.828 of 2018 for offence under Sections 143, 341 and 188 I.P.C. This petitioner states that no one can take cognizance for offence under Section 188 I.P.C without appropriate sanction from the State as contemplated Section 195(a)(i) Cr.P.C.,



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4. According to the complaint as well as the statement of the witnesses, there is no ingredients to attract the offence under Section 143 and 341 I.P.C., therefore, complaint against him has been quashed.

5. The learned Government Advocate (Crl.Side) would submit that unlawful gathering by the villagers preventing the public servant to discharge the duty and disobedience of the command of the public servant requesting them to disburse without causing disturbance to the general public by using public road has led to registration of FIR. So far as sanction under Section 195 Cr.P.C., it has to be presumed that the Judicial Magistrate has taken cognizance of the offence on production of sanction or else charge under Section 188 I.P.C., has to be deleted.

6. Recording the same, this Court holding that there is no merit in this petition to quash the criminal case pending against this petitioner. Hence, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

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Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The Judicial Magistrate, Pennagaram, Dharmapuri District.

2.The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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