



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1687 of 2022

and

Crl.M.P. (MD)Nos.1230 & 1233 of 2022

1.Pandiyaraj @ Pandiaraja

2.Thangaraj

... Petitioners/ Accused No.1 & 2

Vs.

1.The State Rep. by

The Sub Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

(Crime No.192 of 2019)

... 1st Respondent/ Complainant

2.Mr.Prabhakaran

Sub-Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

...2nd Respondent/ Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in S.T.C.No.1139 of 2019 on the file of the learned Judicial Magistrate Court, Alangulam, Tirunelveli District, in Crime No.192 of 2019 on the file of the 1st Respondent Police and quash the same in respect of the petitioner as illegal.

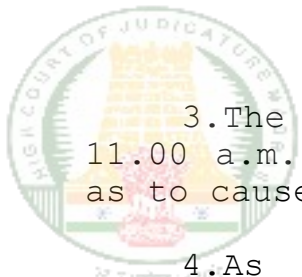
For Petitioners: Mr..G.Anto Prince

For R1 : Mr.B.Thanga Aravindh
Govt. Advocate (Crl. Side)

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the first respondent.

2.The petitioners are facing trial in S.T.C.No.1139 of 2019 on the file of the learned Judicial Magistrate Court, Alangulam for the offence under Section 291 of IPC.



3.The case of the prosecution is that on 12.04.2019 at around 11.00 a.m., the petitioners were conducting themselves in a manner as to cause public nuisance.

4.As rightly pointed out by the learned counsel for the petitioners, the case on hand is covered by order dated 09.11.2021 made in Crl.O.P.(MD)No.16135 of 2021 (*Selvam and others Vs. State Rep. by the Sub Inspector of Police, Kadayam Police Station, Tirunelveli District and another*). It was held in the said decision that Section 291 of IPC can be invoked only for a breach of an order under Section 143 of Cr.P.C. In this case, no such order has been passed by the Executive Magistrate. The prosecution is clearly not maintainable. The impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar

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 Court,
Alangulam, Tirunelveli District.
- 2.The Sub Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-3467[F] dated 01/02/2022)

Crl.O.P(MD)No.1687 of 2022
and Crl.M.P.(MD)Nos.1230 & 1233 of 2022
01.02.2022

sjj

MS/23.02.2022/2P.5C

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