



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.1626 of 2019

and

CrI.MP(MD)Nos.836 and 837 of 2019

WEB COPY

1.Yuvaraj
2.Vinothkumar
3.Veeramani
4.Kandasamy
5.Arivendiran
6.Balaji

: Petitioners/A1 to A6

Vs.

1.The State,
rep. by Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.367 of 2015)

: 1st Respondent/Complainant

2.Ganeshkumar,
Village Administrative Officer,
Batlagundu,
Dindigul District.

: R2/De-facto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the case in in CC No.197 of 2016 pending on the file of the Judicial Magistrate, Nilakkottai and quash the same.

For Petitioner : Mr.Ma.Karunanithi

For Respondents : Mr.M.Muthumanikkam
Counsel for Government of
Tamil Nadu (Criminal side)

O R D E R

This petition has been filed seeking quashment of the case in CC No.197 of 2016 on the file of the Judicial Magistrate, Nilakkottai.

2.The case of the prosecution is that on 18/09/2015 at about 2.45 pm, all the accused persons unlawfully assembled travelled by a tractor and trailer and some of the accused persons sitting in the trailer portion in violation of the order that has been passed by



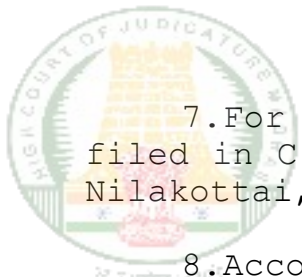
the High Court, having known that the police has promulgated restrictions, created public nuisance by playing music with speaker, took the procession of Vinayagar, during Vinayagar temple procession. So, all the accused persons are charged for the offences under sections 290, 291, 186, 188 IPC r/w 192(a) of the Motor Vehicles Act and Section 177 of the Motor Vehicles Act and Section 21(10) of the Motor Vehicles Rules.

3. Seeking quashment of the final report, this petition has been filed mainly on the ground that none of the allegation mentioned in the FIR or in the final report do not attract any of the ingredients of the offence against this petitioner.

4. Reading of the final report as well as the materials that have been collected during the course of investigation shows that the petitioner alleged to have participated in the Vinayagar idol procession in violation of the regulation that has been passed by the High Court as well as the police and revenue authorities, they have indulged in such sort of illegal activities. But no material has been collected and also placed before this court to show that the regulation has been issued by this court or by the Police and Revenue authorities. It has been simply stated that regulation has been imposed. What regulation has been imposed is not clear on record, as mentioned earlier, to show the allegation that this petitioner in violation of the regulation participated in the procession by placing music and creating nuisance.

5. No doubt travelling in a trailer and sitting in the mud guard is the offence punishable under the provisions of 177 of the Motor Vehicles Act. But it is punishable only upto Rs.100/-. Similarly there is no evidence available on record to show that the petitioner did not produce the relevant documents at the time of investigation. Even it is not stated that the petitioner was directed to show the relevant document such as insurance certificate and registration certificate etc. It is also seen that no such notice was also given to the petitioner to produce the relevant documents. No steps have been taken by the respondent police. So the violation under sections 192(A), 158 of the Motor Vehicles Act cannot be made applicable, since prescribed procedure has not been followed.

6. Regarding of the sections 290, 291, 186 and 188 IPC, no material has been collected so far. So these provisions also cannot be made applicable. If at all only the offence under section 177 of the Motor Vehicles Act, can be made applicable, but for attracting this provision also, the final report ought to have been filed within a period of six months from the date of the occurrence. The date of the occurrence is 18.09.2015. The final report was filed only on 29/08/2016, which is much after the period of limitation of 6 months prescribed under section 468 of Cr.P.C.



7.For the above stated reasons, the final report that has been filed in C.C No.264 of 2015 on the file of the Judicial Magistrate, Nilakottai, is liable to be quashed as against these petitioner.

8.Accordingly, this criminal original petition is allowed. The final report filed in CC No.264 of 2015 on the file of the Judicial Magistrate, Nilakottai is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Nilakottai.
- 2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.1626 of 2019

31.01.2022

RK(21/02/2022) 3P 4C