



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WEB COPY

Crl.O.P. (MD)No.878 of 2019
and
Crl.MP(MD)Nos.376 and 377 of 2019

- 1.Prabhu
S/o.Gurunathan
- 2.Prabhu
S/o.Kuppusamy
- 3.Mathankumar
- 4.Selvendiran
- 5.Naveenkumar
- 6.Mano
- 7.Rajapandi
- 8.M.S.P.Saravanan
- 9.Raju

... Petitioners/Accused Nos. 1 to 9

Vs.

- 1.The State rep. by
Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.369 of 2015)

...1st Respondent/Complainant

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

... 2nd Respondent/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.199 of 2016 pending on the file of the Judicial Magistrate, Nilakkottai and quash the same.

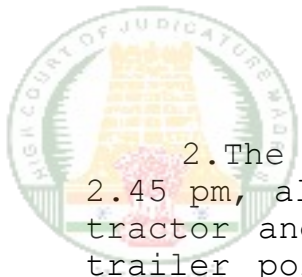
For Petitioners : Mr.Ma.Karunanithi

For Respondent No.1: 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.199 of 2016 on the file of the Judicial Magistrate, Nilakottai.

<https://hcservices.ecourts.gov.in/hcservices/>



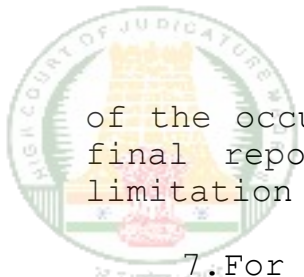
2.The case of the prosecution is that on 18/09/2015 at about 2.45 pm, all the accused persons unlawfully assembled, travelled, by tractor and trailer and some of the accused persons sitting in the trailer portion in violation of the order that has been passed by the High Court and having known that the police has promulgated restrictions, created public nuisance by playing music with speaker, during the procession of Vinayagar. All the accused persons are facing charges for the offences under sections 290, 291, 186, 187 and 188 IPC and sections 177 and 192(a) of MV Act r/w 21(10) of MV 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 and the final report attracts any of the ingredients of the offence against these petitioners.

4.Reading of the final report as well as the materials that have been collected during the course of investigation shows that the petitioners 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, revenue authorities, they have been 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, either by this court or by the police, revenue authorities. It has been simply stated that regulation has been imposed. What sort of regulation has been imposed is not clear on record. The allegations is that the petitioners in violation of the regulation, participated in the procession by playing music and created nuisance.

5.No doubt, travelling in a trailer and sitting in the mud guard is punishable under the penal provision and the provisions of 177 of the Motor Vehicles Act. But it is punishable only upto 100 rupees. Similarly, there is no material on record to show that the petitioners did not produce the relevant documents at the time of investigation. Even it was not stated the petitioners were directed to show the relevant documents, such as Registration Certificate and Insurance Certificate, etc. It is also seen that no notice was given to the petitioners to produce the relevant documents and no such step was taken by the 1st respondent herein. So the violation under sections 192(A) and 158 of the Motor Vehicles Act cannot be made applicable, since the prescribed procedure has not been followed.

6.Regarding sections 219, 291, 186, 187 and 188 IPC, as mentioned earlier, no material has been collected so far. The above provisions also cannot be made applicable and 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



of the occurrence. The offence is stated to be on 18/09/2019. The final report was filed on 29/08/2020, much after the period of limitation of six months under section 468 Cr.P.C.

7. For all the reasons stated above, the final report that has been filed against the petitioners in CC No.199 of 2019 on the file of the Judicial Magistrate, Nilakkottai is liable to be quashed.

8. Accordingly, this criminal original petition is **allowed**. The entire proceedings in CC No.199 of 2019 pending on the file of the Judicial Magistrate, Nilakkottai is hereby quashed as against the petitioners. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// 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.

ORDER MADE IN
Crl.O.P. (MD) No.878 of 2019
31.01.2022