



Crl.O.P.(MD) No.8601 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.8601 of 2020

and

Crl.M.P(MD)Nos.4049 & 4050 of 2020

- 1.Rajiv Gandhi
- 2.Alagar
- 3.Manikandan
- 4.Sarath Kumar
- 5.Thanga Pandi

...Petitioners/A1 to A5

Vs.

- 1.State of Represented by its
The Sub-Inspector of Police,
Virudhunagar East Police Station,
Viruduunagar District.
(Crime No.553 of 2017)

- 2.Ashok

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records relating to the impugned proceedings of Charge Sheet in STC No.2940 of 2019 on the file of the learned Judicial Magistrate No.II, Virudhunagar and to quash the same as arbitrary.



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For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.E.Antony Sahaya Prabahar
Addl. Public Prosecutor
(for R1)

ORDER

This petition is filed to quash the charge sheet in STC No.2940 of 2019 on the file of the Judicial Magistrate No.II, Virudhunagar.

2. Fact:- On 30.10.2017 at Virudhunagar Alampatti Junction, the accused persons travelled in a Tata Sumo Car, bearing Reg.No.TN-67-AC-1309 in a rash and negligent manner and also they have also raised slogans and hence, the respondent police registered a case in Crime No.553 of 2017 on 09.11.2017 for the alleged offences under Sections 143 & 188 IPC and under Section 184 & 179 of Motor Vehicles Act, 1988 as against the petitioners and also filed final report and the same was taken on file as STC.No.2940 of 2019 by the Judicial Magistrate No.II, Virudhunagar. To quash the said proceeding, this petition is filed.



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3. The learned counsel appearing for the petitioners submitted that all the offences are not made out against the petitioners. Since the petitioners never involved in any unlawful assembly, Section 188 IPC is not made out. He further submitted that there is no specific materials to prove the remaining offences. Hence, the learned counsel prays for quashing the criminal proceedings.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly objected to quash the criminal proceedings.

5. I have considered the rival submissions of both the learned counsel appearing on either side.

6. On perusal of the records, it is seen that the petitioners are the accused in STC No.2940 of 2019 on the file of the learned Judicial Magistrate No.II, Virudhunagar. The main allegation is that on the date of occurrence, when they were travelling in the car, they were raised slogans. A perusal of the records shows that there is no sufficient materials and records to prove the case of the prosecution. In the absence of sufficient



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materials, the continuance of criminal proceeding would amount to misuse of process of the Court. Hence, I am of the view that the charge sheet filed against the petitioners is liable to be quashed.

7. Accordingly, the proceedings in S.T.C.No.2940 of 2019 on the file of the learned Judicial Magistrate No.II, Virudhunagar is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

02.08.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
skn

To

1. The Judicial Magistrate No.II,
Virudhunagar.

2. The Sub-Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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