



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.11135 of 2021

&

Crl.M.P(MD)Nos.5682 & 5683 of 2021

WEB COPY

Karthick

... Petitioner/Accused No.1

Vs.

1. The State represented by
The Inspector of Police,
Sellur Police Station,
Madurai City.

In Crime No.1543 of 2018. ... 1st Respondent/Complainant

2. C.Murugan,
Sub Inspector of Police,
Sellur Police Station,
Madurai City.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C No.964 of 2019, on the file of the Judicial Magistrate No.II, Madurai and quash the same.

For Petitioner
For Respondents

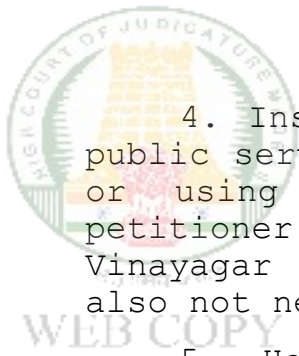
: Mr.P.T.Ramesh Raja
: Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C No.964 of 2019, on the file of the Judicial Magistrate No.II, Madurai.

2. There are totally three accused, in which, the petitioner is arrayed as first accused. The second respondent lodged a complaint alleging that on 15.09.2018, without proper permission the accused persons have placed a Vinayagar Statue and took out a procession. The first respondent after completion of investigation filed the final report and the same has been taken cognizance for the offence under Sections 143 and 353 IPC.

3. In order to attract the offence under Section 143 IPC, there should be five or more number of persons needed to form and assembly to commit an illegal act. Even as per the case of the prosecution, three persons were take a procession with Vinayagar statue. Further, they are not assembled for any illegal activities.



4. Insofar as the offence under Section 353 is concerned, any public servant was deterred from discharging his duty by assaulting or using criminal force. According to the prosecution, the petitioner without getting proper permission, they have placed the Vinayagar statue. Therefore, the offence under Section 353 IPC is also not needed.

5. Hence the entire proceedings initiated as against the petitioner and the other accused persons cannot be sustained and the entire proceedings is liable to be quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 No.II, Madurai.

2. The Inspector of Police,
Sellur Police Station,
Madurai City.

3. The Sub Inspector of Police,
Sellur Police Station,
Madurai City.

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

+1 CC to M/s.P.T. RAMESH RAJA, Advocate (SR-16816[F] dated
06/04/2022)

Crl.O.P(MD)No.11135 of 2021 &
Crl.M.P(MD)No.5682 & 5683 of 2021
05.04.2022