



CrI.O.P.(MD) No.12680 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12680 of 2022

and

CrI.M.P(MD) No.8031 of 2022

1. Kannan
2. Bala @ Manikandan
3. Kannan
4. Raja
5. Mani @ Manikandan
6. Komban
7. Ramasamy
8. Sudalaimani
9. Muthuramalingam

.... Petitioners/ Accused Nos.1 to 9

Vs

1. The State Represented by
The Inspector of Police,
Pathamadaai Police Station,
Tirunelveli District.
(Crime No.62 of 2022)

... 1st Respondent/ Complainant

2. Ganesan
Sub-Inspector of Police,
Pathamadaai Police Station,
Tirunelveli District.

... 2nd Respondent/ Defacto complainant



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the F.I.R in Crime No.62 of 2022 pending on the file of the Inspector of Police, Pathamada Police Station, Tirunelveli District and quash the same.

For Petitioners : Mr.S.Sathya Chidambaram

For R1 : Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to quash the F.I.R in Crime No.62 of 2022, pending on the file of the Inspector of Police, Pathamada Police Station, Tirunelveli District.

2. The case of the prosecution is that, on 14.06.2022 when the defacto complainant was present at the scene of occurrence, indulging in his regular patrolling duty, the petitioners were said to have conducted Karagattam dance program in Melachadayaman Kilam Mutharamman Kovil. Hence, the complaint.



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3. The learned counsel for the petitioners submitted that the respondent police registered a case in Crime No.62 of 2022, dated 15.06.2022, for the offences under Sections 143 and 188 I.P.C. The petitioners did not unlawfully assemble, but they only conducted cultural programme on 14.06.2022. The first petitioner has already given a representation, seeking permission to conduct cultural programme and therefore, filed W.P.(MD) No.11130 of 2022. This Court, by order dated 09.06.2022, directed the respondent police to consider the representation of the petitioners therein and pass suitable orders after getting an undertaking from them. In spite of that, they have not disposed of the application. On 14.06.2022, the petitioners conducted the event. Hence, the present complaint has been filed and the learned counsel prays to quash the F.I.R in Crime No.62 of 2022.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the earlier petition filed by the petitioners were not rejected and subsequently they conducted the cultural programme on 14.06.2022, but now no order has been passed in the application.



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5. I have considered the matter in the light of the submissions made by the learned counsel on either side.

6. On a perusal of the records, it is seen that the case has been registered in Crime No.62 of 2022, dated 15.06.2022, for the offences under Sections 143 and 188 I.P.C. against these petitioners. The case has been registered based on the complaint given by the Sub Inspector of Police as they have conducted cultural programme without any permission. Records would reveal that this Court, by order dated 09.06.2022, in W.P.(MD) No.11130 of 2022 directed to consider the representation to conduct the cultural programme to pass suitable orders. The second respondent has not passed any suitable orders though the application was received by him and pursuant to the orders of this Court, the cultural programme has been conducted on 14.06.2022. Apart from that, there is no allegation that they have indulged in any unlawful and illegal activities or any criminal activities on 14.06.2022. Further, they have not violated any prohibitory order as proclaimed by the competent authority and hence, the provisions of Section 188 I.P.C would not be attracted to register the case against the petitioners.



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7. In these circumstances, this Court is of the view that the case has been registered in Crime No.62 of 2022, dated 15.06.2022, for the offences under Sections 143 and 188 I.P.C. against these petitioners abusing the process of law and it has to be quashed. Hence, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

14.07.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Inspector of Police,
Pathamadaai Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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