



CrI.O.P.(MD) No.13931 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.13931 of 2022

Murugesan

...Petitioner

vs

1. The Sub Inspector of Police
Narikudi Police Station
Virudhunagar District

2. Veeran
Special Sub Inspector of Police
Narikudi Police Station
Virudhunagar District

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in a case in STC No.44 of 2021 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli and quash the same as against the petitioner/accused no.1

For Petitioner : Mr.M.JothiBasu
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking a direction to call for the records in a case in STC No.44 of 2021 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli and quash the same as against the petitioner/A1

2. The learned counsel for the petitioner would submit that the petitioner is the first accused in STC No.44 of 2021 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli. The respondent police prosecuted the accused for the offence under Sections 279, 143, 188, 353, 179, 109 of IPC based on the complaint given by the second respondent.

3. The case of the prosecution is that the petitioner along with other accused travelled in a TATA sumo Car bearing Reg.No. TN 58 H 6354 to Paramakudi to remember 60th death anniversary of Immanuvel Sekaran. It is also alleged that the accused had travelled in a vehicle in a rash and negligent manner, raising slogans and they have not involved in any case and no property was damaged. In these circumstances without any reason they prosecuted the above said offence. Further Section 195(1)(a)(i) prohibits



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Courts from taking cognizance of offence punishable under Sections 172 to 188 of IPC and hence there is no evidence to constitute the offence under Section 353 of IPC, hence he seeks to quash the proceedings.

4. The learned Additional Public Prosecutor objected to quash the proceedings before the commencement of trial, hence he prays to dismiss the petition.

5. I have considered the matter in the light of the submissions made by both the parties.

6. Perusal of the records reveals that the petitioner is the first accused in S.T.C.No.44 of 2021 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli. The petitioner is prosecuted by the first respondent police along with four other accused persons, namely, Rajkumar, Krishnan, Prabakaran and Sangili for having committed the offences punishable under Sections 279, 143, 188, 353, 179 and 109 IPC. The allegation against the petitioner is that on 11.09.2017, at about 13.04 hrs., the petitioner along with other accused persons travelled in a TATA Sumo Car



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bearing Reg.No.TN-58-H-6354 to Paramakudi to remember 60th Death Anniversary of Immanuvel Sekaran. While travelling in the car, they raised slogans and they have not damaged any properties and not involved in any criminal activities. Further, from the perusal of the materials, it is seen that there are no sufficient materials to constitute the offences under Sections 279, 143, 353, 179 and 109 IPC and Section 288 IPC is not a cognizable offence. As no complaint had been filed by the competent officer whose prohibitory order had been violated, the charge could not have been framed. In the absence of any materials to prosecute the petitioner and others for the offences under Sections 279, 143, 353, 179 and 109 IPC, that amounts to misuse the process of Court and law and therefore, it is liable to be quashed.

7. In view of the same, the Criminal Original Petition stands allowed and as a sequel the proceedings in STC No.44 of 2021 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli is hereby quashed in so far as all the other accused persons.

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Internet: Yes
Index: Yes/No
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To

1. The District Munsif cum Judicial Magistrate Court, Thiruchuli
2. The Sub Inspector of Police
Narikudi 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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