



Crl.O.P.(MD) No.14404of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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1. Chandrasekar
2. Yusufshan @ Mohamed Yoosuf Khan
3. Binulal @ Dr.Binu Lalsingh
4. Munap @ Abdul Munaf Labbai

... Petitioners

Vs.

1. The Inspector of Police
Colachel Police Station
Kanyakumari District

2. N.Rajkumari
Inspector of Police
Colachel Police Station
Kanyakumari District

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in Crime No.87 of 2021 dated 30.03.2021
on the file of the respondent police and quash the same.

For Petitioners : Mr.A.Rajkumar Sen
For Respondents : Mr.A.Albert James
Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in 87 of 2021 on the file of the first respondent police

2.The learned counsel for the petitioners would submit that the petitioners are not the members of Unlawfully assembly and the offence under Section 188 of IPC will not be made out. Further submitted that disobedience should also lead to enumerated consequences of traffic hazard, complained by public to constitute it as an offence, hence he seeks to quash the same.

3. The learned Government Advocate(Crl.Side) would submit that the case is under investigation.

4. A perusal of the record reveals the fact that the case has been registered against the accused persons in Crime No.87 of 2021 on 30.03.2021 for the offences under Sections 143 and 188 of IPC. The allegation in the complaint is that on 30.03.2021 at about 17.45 hrs near



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Colachel Anna Salai Junction the petitioners belonging to congress group along with 46 communist members without any valid permission went on procession violating the election rules, hence a case has been registered. Admittedly the petitioners are not members of unlawfully assembly. The case registered against them under Section 143 of IPC will not be made out and there is no allegation in the complaint that they committed illegal act or formed any unlawful assembly. *Perse*, in the complaint itself it is stated that they are members of political party and they went on procession for securing vote during the election period, further nowhere it is stated that they prohibited the orders. In the absence of any promulgatory order the case registered against the accused persons is not made out.

5. In the absence of any allegation to show that the petitioners are being members of unlawful assembly and violated any specific promulgatory order the charge will not be made out for the offence under Sections 143 and 188 of IPC and hence it is improper to continue the criminal proceedings as against the accused persons. In view of the



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same, no useful purpose will be served in keeping the proceedings in Crime No. 87 of 2021 pending before the first respondent police

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 87 of 2021 on the file of the first respondent police respondent police, is quashed

11.08.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

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



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V.SIVAGNANAM, J.

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