



Crl.O.P.(MD) No.16101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16101 of 2022

Rakesh Babu

...Petitioner

VS

**1. The Inspector of Police
Town North Police Station
Dindigul**

**2. R.Bakthavachalam
Sub Inspector of Police
Town North Police Station
Dindigul**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying call for the records in C.C No. 520 of 2017 on the file of the Judicial Magistrate II, Dindigul and quash the charge sheet against the Petitioner / Accused in C.C No. 520 of 2017 on the file of the Learned Judicial Magistrate II, Dindigul.

For Petitioner : Mr.S.Sivaprakash

**For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor**



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ORDER

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This Criminal Original Petition has been filed to quash the charge sheet in C.C No. 520 of 2017 on the file of the learned Judicial Magistrate No.II, Dindigul.

2. The learned Counsel for the Petitioner would submit that the case has been registered against the Petitioner in Crime No.221 of 2017 for the offences under Sections 143,188 and 341 of IPC. After investigation final report laid before the learned Judicial Magistrate No.II, Dindigul.

3. The learned Additional Public Prosecutor would submit that this case refers to farmers agitation and at that relevant point of time, covid 19 lockdown was not in force.

4. The learned Counsel for the Petitioner by way of rejoinder submitted that similar case in CC No.520 of 2017 on the file of the learned Judicial Magistrate No.II,Dindigul was quashed by this Court in Crl.O.P(MD) No.17073 of 2019 by the learned Single Judge of this Court vide order dated 20.11.2019. A copy of the same was also enclosed along with the typed set of papers.



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5. The learned Additional Public Prosecutor would submit that there are totally 22 accused in this case and the petitioner herein is arrayed as A3.

6. The learned Single Judge of this Court quashed the final report on the ground that Section 188 of IPC cannot be registered by the police, it is to be preferred as private complaint by the State Officers who are in the control and management of Epidemic regarding public health.

7. The learned Single Judge of this Court quashed the final report in in C.C.No.520 of 2017 on the file of the learned Judicial Magistrate No.II, Dindigul and the same holds good for this Petitioner also.

8. In view of the same, the Criminal Original Petition stands allowed and the proceedings in C.C.No.520 of 2017 on the file of the learned Judicial Magistrate No.II, Dindigul is hereby quashed.

14.09.2022

Internet: Yes./No

Index: Yes/No

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To

1. The Judicial Magistrate No.II, Dindigul
2. The Inspector of Police
Town North Police Station
Dindigul
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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