



Crl.O.P.No.26205 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

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Karthikeyan

...Petitioner

Vs.

1. State by:

The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
(Crime No.679 of 2017)

2. K.Chellamuthu,

The Special Sub-Inspector of Police,
Mangalamedu Police Station,
Perambalur District.

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the FIR in Crime No.679 of 2017, pending on the file of the Mangalamedu Police Station, Perambalur District.



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For Petitioner : Mr.A.Nizar Ahamed

For 1st Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

For 2nd Respondent : No appearance

ORDER

This Criminal Original Petition is filed to quash the proceedings in Crime No.679 of 2017 on the file of the 1st respondent.

2. The case has been registered against the petitioner for the offences under Sections 143 and 188 of I.P.C., on the allegation that on 22.11.2017, the petitioner along with others under the Head of the first accused Anbazhagan conducted demonstration in front of the ration shops in Perambalur District by condemning the improper supply of ration materials and thereby blocked the traffic.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the 1st respondent.



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4. The learned counsel for the petitioner submitted that the charges for which the case has been registered were not made out with the materials available on record; at the time of demonstration/protest, he was not in the said village and he did not participate in the protest.

5. A reading of the FIR does not disclose that the petitioner along with others had assembled with a common object of committing the acts enunciated under Section 141 IPC. Without any ground materials to show that the petitioner had assembled in an unlawful manner, he cannot be punished for the offence under Section 143 of IPC. In fact, when the ground offence (i.e) unlawful assembly itself does not have any material to get substantiated, the rest of the offences will not stand. There is no allegation that the petitioner had committed any act of violence. There was no commotion in the crowd and they did not endanger the life of any persons or property.



6. No case can be registered under Section 188 of IPC without making any complaint to the Court in accordance with Section 195(1)(a)(i) of Cr.P.C

7. In the present case, no written complaint from a public servant is given in terms of Section 195 of Cr.P.C., For the offences said to have been taken place as early as in the year 2017, charge sheet has not been filed, till now. It is alleged that the petitioner and others had formed a group and they had proceeded for improper supplying of ration materials and for which the case has been registered under Sections 143 and 188 I.P.C., For the offence punishable under Section 143 IPC, the maximum punishment is 6 months Simple Imprisonment. Since the charge sheet has not been filed for nearly 5 years, the said offence has been barred by limitation in view of Section 468 of Cr.P.C.,

8. In such circumstances, I feel no fruitful purpose will be served in allowing the investigation to continue in this case. The materials available on record are not sufficient to make out a case for which the petitioner has been



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charged. Hence, I feel it is appropriate to quash the proceedings by invoking powers of this Court under Section 482 of Cr.P.C.

9. Accordingly, this Criminal Original Petition stands allowed and the FIR in Crime No.679 of 2017 on the file of the respondent is hereby quashed as against the petitioner.

05.01.2023

vum
Index:yes/No
Speaking order / Non speaking order

To

1. The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

vum

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