



Crl.O.P.(MD) No.2207 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl.O.P.(MD) No.2207 of 2023

and

Crl.M.P(MD).No.1939 of 2023

- 1.Raja Alias Rajasekar
- 2.Ammasai
- 3.Alexpandi @ Alexpandiyar
- 4.Ponraj
- 5.Muthukumar

...Petitioners

Vs.

- 1.The 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 of the Code of Criminal Procedure, to call for the records pertaining to charge sheet in S.T.C.No.45 of 2017 on the file of learned District Munsif Cum Judicial Magistrate, Thiruchuli and quash the same as illegal as far as against these petitioners concerned.



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Crl.O.P.(MD) No.2207 of 2023

For Petitioners : Mr.A.Dharani
For Respondents : Mr.S.Manikandan
Government Advocate(Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to call for the records in a case in STC No.45 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli and quash the same as against the petitioners.

2. The learned counsel for the petitioners would submit that the petitioners are the accused Nos.2 to 6 in STC No.45 of 2017 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 and 109 of IPC and Sections 179 of Motor Vehicles Act, based on the complaint given by the second respondent.

3. The case of the prosecution is that the petitioners along with other accused travelled in a XYLO Car bearing Reg.No. TN 75-C-8005 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 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 petitioners are the accused Nos. 2 to 6 in S.T.C.No.45 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli. The petitioners are prosecuted by the first respondent police along with other accused persons committed the offences punishable under Sections 279, 143, 188, 353, 179 and 109 IPC. The allegation against the petitioners is that on 11.09.2017, at about 13.04 hrs., the petitioners along with other accused persons travelled in a XYLO Car bearing Reg.No. TN 75-C-8005 to Paramakudi to remember 60th Death



Crl.O.P.(MD) No.2207 of 2023

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 188 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 petitioners 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.45 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Thiruchuli is hereby quashed in so far as all the other accused persons. Consequently, the connected miscellaneous petition is closed.

14.03.2023

Internet: Yes
Index: Yes/No
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Crl.O.P.(MD) No.2207 of 2023

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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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Crl.O.P.(MD) No.2207 of 2023

G.ILANGOVA,N,J

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Crl.O.P.(MD) No.2207 of 2023

14.03.2023