



Crl.O.P.(MD) No.5705 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5705 of 2023

Sundarraaj

...Petitioner / Sole Accused

Vs.

1.The State rep. by,
The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
(In Crime No.201/2016)

...1st Respondent / Complainant

2.Ganeshan

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in the case in S.T.C. No.587/2017 on the file of the Judicial Magistrate Court No.II, Virudhunagar and quash the same as illegal, violation of law.

For Petitioner :Mr.M.Jothi Basu

For Respondent :Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



Crl.O.P.(MD) No.5705 of 2023

WEB COPY

ORDER

This criminal original petition has been filed to quash the case in S.T.C. No. 587/2017 on the file of the Judicial Magistrate Court No.II, Virudhunagar.

2.The case has been registered in the year 2017 for the offence punishable under Section 171(E), 171(F), 188 of IPC & 123 (1)(A)(b) of Representation of People Act, 1950. The final report has been filed and the same was taken cognizance on 26.04.2017.

3.Now the grievance of the petitioner is even after lapse of 6 years, there is no progress in the trial process. Therefore, a report has been called for from the trial Court. Report was submitted from the trial Court stating that the trial Court could not complete the same because of the huge pendency in the above said Court.

4.On that ground of long delay, this petition has been filed seeking quashment. Apart from that, reading of the final report does not indicate any violation of Election Protocol. It has been simply stated that Rs.10,000/- was been



Crl.O.P.(MD) No.5705 of 2023

WEB COPY

recovered from the petitioner intended to distribute to the voters. Absolutely, there is no corroborative evidence or documents to show the intention of the petitioner to distribute the above said money to the voters. Simple possession of cash will not amount to violation of Election Protocol. The offences under Sections 171 (F) and 188 of IPC are not attracted. Therefore, this Court is inclined to allow this petition in respect of this petitioner.

5.Accordingly, this criminal original petition stands allowed and the proceedings in S.T.C. No.587/2017 on the file of the Judicial Magistrate Court No.II, Virudhunagar, is hereby quashed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

11.10.2023

TM

To

1.The Judicial Magistrate No.II, Virudhunagar.

2.The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
(In Crime No.201/2016)

3/4



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Crl.O.P.(MD) No.5705 of 2023

G.ILANGO VAN. J.

TM

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.5705 of 2023

11.10.2023