



WEB COPY



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/06/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.10655 of 2023

and

Crl.MP(MD)Nos.8459 and 8460 of 2023

1.Suresh Kannan

2.Karthick Raja

3.Nainar Raja

: Petitioner/A1 to A3

Vs.

The State rep. by
Sub Inspector of Police,
Eruvadi Police Station,
Tiruneveli District.

(In Crime No.39 of 2020)

: Respondent/Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet laid by the respondent in STC No.141 of 2020 on the file of the Judicial Magistrate, Nanguneri, Tirunelveli District and quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.S.Alagusundar

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



WEB COPY



O R D E R

This criminal original petition has been filed seeking quashment of the case in STC No.141 of 2020 on the file of the Judicial Magistrate, Nanguneri, Tirunelveli District.

2.The case of the prosecution in brief:-

On 06/03/2020 at about 11.00 pm in the night, the accused persons standing in front of Kotahcheri Pathirakalliamman kovil, caused nuisance to the public and in spite of warning made by the police, he did not vacate the place. On the basis of the above said occurrence, *suo motu* FIR has been registered in Crime No. 39 of 2020 for the offence under section 291 IPC. On the second day itself, after completing the investigation, final report was filed and it was taken cognizance in STC No.141 of 2020 by the Judicial Magistrate, Nanguneri.

3. Seeking quashment of the same, this petition has been filed by the petitioners stating that the ingredients of section 291 IIPC is not made out against them.



WEB COPY



3

4. Heard both sides.

5. Section 291 IPC reads as under:-

"291. Continuance of nuisance after injunction to discontinue-Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both."

So the main ingredients of the offence is that public nuisance might be created by the accused defining any prohibitory order. Absolutely, in the complaint nothing has been stated except stating that the petitioners are warned by the patrolling police team, not to continue the above said nuisance.

6. It is also seen that no complaint has been given by any of the public against the petitioners and only the police, who belongs to the above said police team gave



4

complaint. In view of the above said fact, no proper material has been collected during the course of investigation to sustain the above said offence. On that sole ground, this criminal original petition is liable to be allowed.

7.In the result, this criminal original petition stands **allowed**. The case in STC No.141 of 2020 on the file of the Judicial Magistrate, Nanguneri, Tirunelveli District is hereby quashed as against the petitioners. Consequently, connected Miscellaneous Petitions are closed.

19/06/2023

Index:Yes/No
Internet:Yes/No

er



WEB COPY

To,

- 1.The Judicial Magistrate,
Nanguneri,
Tirunelveli District.
- 2.The Sub Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



6

G.ILANGOVAN, J

er

Crl.OP(MD)No.10655 of 2023

19/06/2023