



Crl.O.P(MD).No.15641 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No. 15641 of 2020 and
Crl.M.P(MD).No. 7663 of 2020

S.Balasubramanian

... Petitioner

Vs.

1.State rep. by
The Sub Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.81 of 2020)

2.V.Sundaravel

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.23 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Peraiyur and quash the same.

For Petitioner : Mr.J.Jeyakumaran

For respondent No.1 : Mr. R.M.Anbunithi
Additional Public Prosecutor

For 2nd respondent : No appearance



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.23 of 2020 on the file of the District Munsif-Cum-Judicial Magistrate, Peraiyur and quash the same.

2. The case of the prosecution is that the de facto complainant who was working as a Special Officer of flying squad, have conducted inspection at T.Kallupatti Main Road and at that time, the petitioner was standing near the xerox shop and found that he is in possession of a sum of Rs.1,02,600/-. On investigation it reveals that the petitioner is offering money for vote and hence, they seized the said amount. Based on which, the 2nd respondent preferred a complaint, a case was registered in Crime No.81 of 2019 for the offences under Sections 171(H), 171(E) and 188 of IPC on the file of the first respondent police as against the petitioner. Thereafter, the case has been charge sheeted in C.C.No.23 of 2020 on the file of the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai.

3. The learned counsel appearing for the petitioner submitted that as per the First Information Report, on the date of occurrence the first



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respondent has conducted enquiry and arrested the petitioner and seized the amount of Rs.1,02,600/- from him on the spot. But in the charge sheet, the first respondent has stated that they have conducted enquiry against the petitioner and at that time, he escaped from the occurrence place, which is totally contrary to the First Information Report. He would further submit that for registering these type of offences, sanction is necessary from the competent authority, but, without obtaining the same, the charge sheet was filed against the petitioner and hence, prays for allowing this petition.

4. Even though the first respondent has filed a detailed counter, the learned Additional Public Prosecutor appearing for the first respondent fairly conceded the submission made by the learned counsel for the petitioner stating that the sanction from the competent authority is very much necessary for registering the above said offences.

5. Considering the facts and circumstances and also considering the fact that the charge sheet was filed as against the petitioner, without obtaining sanction from the competent authority, this Court is of the considered view that continuation of the prosecution



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against the petitioner will amount to abuse of the process of law. Hence, charge sheet is liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.23 of 2020 on the file of the District Munsif-Cum-Judicial Magistrate, Peraiyur is hereby quashed as against the petitioner. Consequently, the connected Miscellaneous Petition is closed.

13.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The District Munsif Cum Judicial Magistrate, Peraiyur
2. The Sub Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.

Trp

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