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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.68 of 2025

C.C.No. 100046 of 2016

(On the file of the Additional District Munsif cum Judicial Magistrate
Sivagiri Taluk, Tenkasi)

The Sub Inspector of Police,
Sivagiri Police Station,
Tenkasi
in Cr.No. 235/2014

... Petitioner

Vs.

1. Ram Kumar
2. Gururajan @ Gurusekar
3. Karuthapandi
4. Veeru Thevan
5. Muniyandi
6. Kalimuthu
7. Madhan Kumar
8. Paul Raj
9. Balu @ Balasubramanian

... Respondents



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Upon perusing the documents and case records of the above C.C.No. 100046 of 2016 transmitted to this Court and hearing the arguments of **Mr.S.Ravi, learned Additional Public Prosecutor**, on behalf of the State, this Court passes the following

ORDER

Prelude:

“This dedicated bench is for implementing the pilot project to identify and dispose of criminal cases involving offences punishable with imprisonment up to 3 years pending at trial, appeal or revision stage for more than 3 years and also offences like Section 506(ii) of IPC and others , which may carry a punishment of more than 3 years in the State of Tamil Nadu with reference to the 14 Districts coming under the Madurai Bench of Madras High Court”.

2.This Dedicated Bench has taken the C.C.No.100046 of 2016 on the file of the Additional District Munsif cum Judicial Magistrate Court, Sivagiri Taluk, Tenkasi as *Suo motu* Special Tr.Case.(MD).No.68 of 2025 in *Suo Motu* W.P.(Crl.).(MD).No.1014 of 2025, upon proper scrutiny and considering its suitability that it is a fit case warranting the exercise of power under Article 226 of Constitution of India to quash the said C.C.,



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which is pending for more than 9 years without any progress.

3. Brief facts of the prosecution case in C.C.No. 100046 of 2016

On 28.10.2014 at about 11.30 am the accused unlawful ly assumbled together in Tenkasi-Madurai Road and raised slogans by causing disturbance to the general public. Therefore, a case was registered in Crime No.235/2014 and after investigation, final report was filed and the same was taken on file in C.C.No.100046 of 2016 under Sections 341, 143 and 188 of IPC and the same was pending without trial for more than 9 years.

3.1.The investigating agency has also stated that there was only protest without any objectionable damages to the Government and private properties and now there is restoration of peace.

4. Discussion:

4.1.The accused protested in democratic manner and raised slogans against the Government to ventilate their grievance. There is no material available to show that a promulgation order was in force at the relevant point of time. In view of the law laid down by this Court in the cases



reported in **2025 INSC 1009, 2018 LW(cri) 606** and **Crl.O.P.(MD).No.**

7977 of 2019, it is well settled that cognizance of the offence under section 188 of IPC cannot taken by the magistrate unless there is a complaint given by the public servant. Apart from that there was no material available on record to constitute the offence under section 143, 341 of IPC.

4.2. The occurrence took place long before in the year 2016 and hence, examination of the Government Officials is impossible task and peace is restored and the case is pending without trial for three years and the offences are trivial in nature and continuation of the trial by examining the Government Officials would lead to wastage of the time and waste of Government exchequer and also leads to docket explosion without adjudication and the chance of conviction even after the full-fledged trial is also bleak.

4.3. Under Article 227 of Constitution of India it is also the duty of this Court to have power of superintendence to reduce the pendency of the trial Court by exercising inherent power to quash the cases of this nature in order to save the precious judicial time of the trial Court and the valuable



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time of the investigating agency and prosecution agency in the appropriate cases.

4.4. In view of the above reasoning, this court exercising the *Suo Motu Power* has taken the C.C.No.100046 of 2016 on the file of the Additional District Munsif-cum- Judicial Magistrate, Sivagiri Taluk, Tenkasi as a Special Transfer Case and inclined to exercise the inherent power under section 482 of Cr.P.C. to quash the proceedings of C.C.No. 100046 of 2016 on factual matrix of the facts of this case in the interest of justice.

5. In view of the above discussion on facts as well as law, continuation of the proceedings will not serve any purpose and hence, the proceedings in C.C.No.100046 of 2016 on the file of the Additional District Munsif-cum- Judicial Magistrate, Sivagiri Taluk, Tenkasi is liable to be quashed.

6.Observation:

This Court suo motu called for the records and exercised its power



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under Section 482 Cr.P.C. and quash the same and hence this verdict does not confer any right to any of the accused or any party to file a case against the Investigating Agency for malicious prosecution or claim of damages.

7. Precedent Value:

The observations, discussions and decision made in this particular case can not be quoted as precedent in the cases arising in future as the decision has been taken in this suomoto writ based on factual and legal basis of this particular case.

8. Accordingly, this Suo Motu Transfer case stands allowed and the C.C.No.100046 of 2016 on the file of the Additional District Munsif-cum-Judicial Magistrate, Sivagiri Taluk, Tenkasi is quashed.

25.08.2025

sbm

Note to the Trial Court: This order is digitally signed and communicated electronically alone. The Trial Court shall take note of the order and accordingly classify the case pending before them as allowed / dismissed / disposed of, etc, and while doing so, consider any applications such as disposal of properties, etc., and pass appropriate orders, as may be necessary. Further, the Court below is directed to dispatch the copy of this order to all concerned.



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K.K.RAMAKRISHNAN,J.

sbn

Order made in
SUO MOTU Tr.(MD).No.68 of 2025

25.08.2025