
(1988) 09 MAD CK 0012
In the Madras High Court
Case No : Criminal M.P. No. 7763 of 1985

Kishore Kanth

APPELLANT

Vs

State Inspector of Police(K-1)

RESPONDENT

Date of Decision : 06-09-1988

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (1988) LW(Cri) 426

Hon'ble Judges : Janarthanam, J

Bench : Single Bench

Advocate : Rangavajjula, for the Appellant; Munirathina Naidu for Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Janarthanam, J.—This is a petition filed under S. 482 of the Code of Criminal Procedure to quash the petty case No. 14111 of 1985 on the

file of the XIII Metropolitan Magistrate, Madras. The gravamen of accusation levelled against the petitioner-accused was that he prepared and

manufactured 100 kites in a private place besides preparing the manja thread to be used for the flying of kites. For this act, he had been charged,

as if he had violated S. 71(xiv) of the City Police Act. On receipt of the process, the petitioner has come forward with the present application

praying for the quashing of the proceedings initiated against him in the Court below.

2. Learned counsel for the petitioner would submit that flying of kites simpliciter in a public place without anything more would not attract the

violation of S. 71(xiv) of the City Police Act. He would further submit that even assuming for arguments sake that all the materials produced by the

prosecuting agency are taken for granted to be true; even then it cannot at all be stated that the petitioner had committed the offence under S.

71(xiv) of the City Police Act, the reason being that the petitioner had simply manufactured kites and the necessary thread for flying kites. The

Learned Public Prosecutor also fairly conceded that the act of the petitioner will not fall under the purview of S. 71(xiv) of the City Police Act.

3. Affixing my seal of approval to this argument of the learned counsel for the petitioner, I hold that the materials available on record will by no

stretch of imagination point out that the petitioner had violated the provisions of S. 71(xiv) of the City Police Act.

4. In view of what been has stated above, the petition deserves to be allowed and, therefore, it is allowed and the proceedings in the petty Case

No. 14111 of 1985 on the file of the XIII Metropolitan Magistrate, Madras will stand quashed.