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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.07.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.OP No.18652 of 2019
and
Crl.MP.No.9509 of 2019

1.P.Dinakaran
2.M.Gopi
3.P.Jeyaseelan
4.S.Nathira
5.S.Sunilkumar
6.T.R.Karunanithi

.. Petitioners

.Vs.

1.State rep.by
The Inspector of Police,
Gudalur Police, Station,
Nilgiris,
Ooty.
(Cr.No.808 of 2018)

2.R.Venkatachalam,
Inspector of Police,
Gudalur Police, Station,
Nilgiris,
Ooty.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Impugned FIR in Cr.No.808 of 2018 dt.26.11.2018 pending on the file of the respondent No.1 and quash the same.

For Petitioners: Mr.T.Lajapathi Roy
For R 1 : Mr.M.Mohamed Riyaz, APP

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Cr.No.808 of 2018 registered under Section 143,188 & 285 of IPC, against the petitioners.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the respondent Police.



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3. This Court already had an occasion to consider the very same issue and had quashed the proceedings in CrI.O.P.[MD]. No.1840 of 2019 by an order dated 22.02.2019. The relevant portions of the order is extracted hereunder:

"4. The case of the prosecution is that the petitioners staged the protest against the Government Orders. In the course of agitation, the Government Order namely G.O.Ms.Nos. 234 and 303 were alleged to have been burnt by the accused persons. Hence, the complaint has been filed by the second respondent.

5. The learned counsel appearing for the petitioners submitted that on the face of the FIR, no offence is made out and for the offence under Section 285 IPC, there must be fire to endanger human life. Mere burning of a paper even though it may be a Government Order is not likely to endanger human life. There is no indication that the burning of a piece of paper endangers human life.

6.This Court finds merit in the submission of the learned counsel appearing for the petitioners. Hence, the impugned FIR is quashed as against the offences under Sections 143 and 285 IPC only and accordingly, this criminal original petition is partly allowed. Consequently, connected miscellaneous petition is closed."

4. The above order will squarely apply to the facts of the present case.

5. The FIR registered under Section 188 of IPC is not maintainable in view of the judgment of this Court in Jeevanandham and Others .Vs. State rep.by Inspector of Police, and Another reported in [2018 2 LW (CrI.) 606]

5. In the result, the FIR in Cr.No.808 of 2018, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

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- 1.The Inspector of Police,
Gudalur Police, Station,
Nilgiris,
Ooty.
- 2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.18652 of 2019

ss(co)
nr 19/08/2019