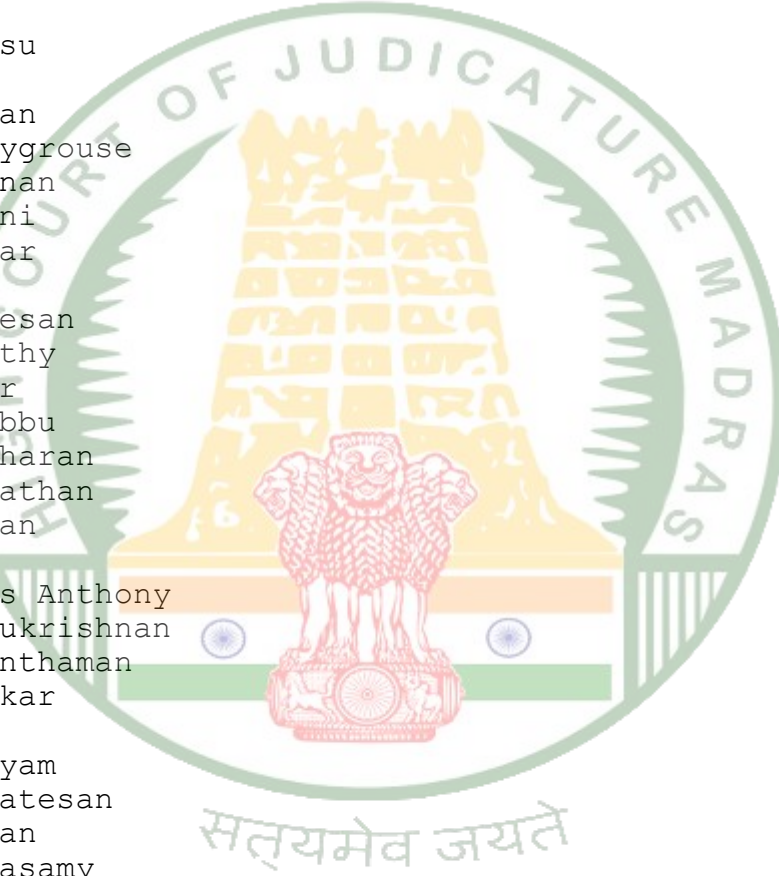


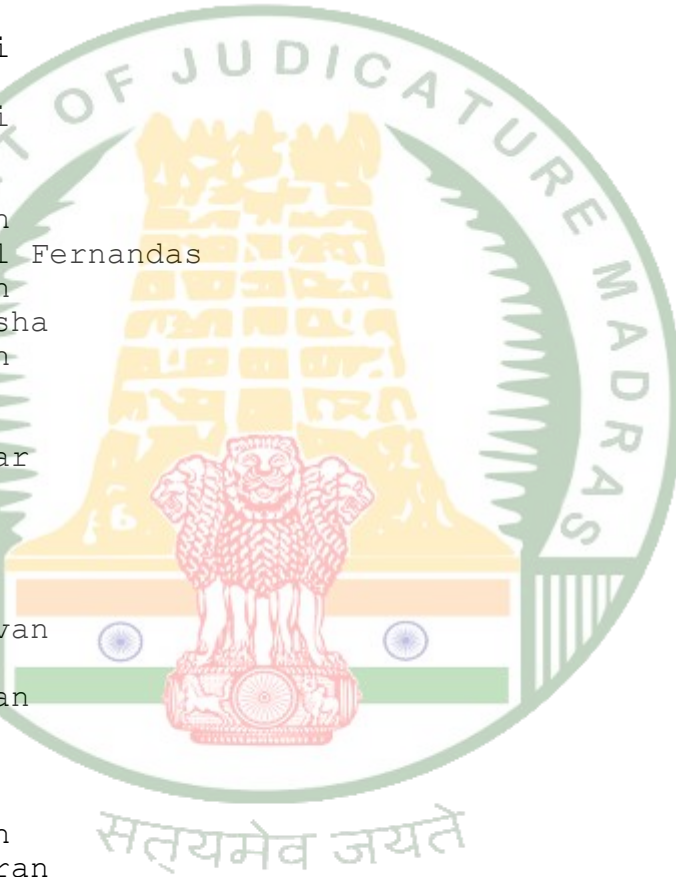
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.07.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.19600 of 2019
and Crl.M.P No.10051 of 2019

1. Mr.Murugan
2. Mr.Ravi
3. Mr.Ramesh
4. Mr.Velu
5. Mr.Narayanamoorthi
6. Mr.Murali
7. Mr.Arivarasu
8. Mr.R.Kumar
9. Mr.Manogaran
10. Mr.Anthonygrouse
11. Mr.Narayanan
12. Mr.Rajamani
13. Mr.Suthagar
14. Mr.Sankar
15. Mr.Venkatesan
16. Mr.Ganapathy
17. Mr.Sarthar
18. Mr.Ramasubbu
19. Mr.Gangatharan
20. Mr.Ulaganathan
21. Mr.Ayyappan
22. Mr.Siva
23. Mr.Francis Anthony
24. Mr.S.Muthukrishnan
25. Mr.R.Paranthaman
26. Mr.V.C.Sekar
27. Mr.G.Anbu
28. Mr.Ramajayam
29. Mr.R.Venkatesan
30. Mr.Krishnan
31. Mr.G.Rangasamy
32. Mrs.M.Jayanthi
33. Mr.K.Shanmugam
34. Mr.Senthamizh Menon
35. Mr.K.Jayaraman
36. Mr.Kuppusamy
37. Mr.K.Vijayakumar
38. Mr.Subhang
39. Mr.Murugesan
40. Mr.M.Subramaniam
41. Mr.B.Ganapathy
42. Mr.B.Murugan
43. Mr.Mohan



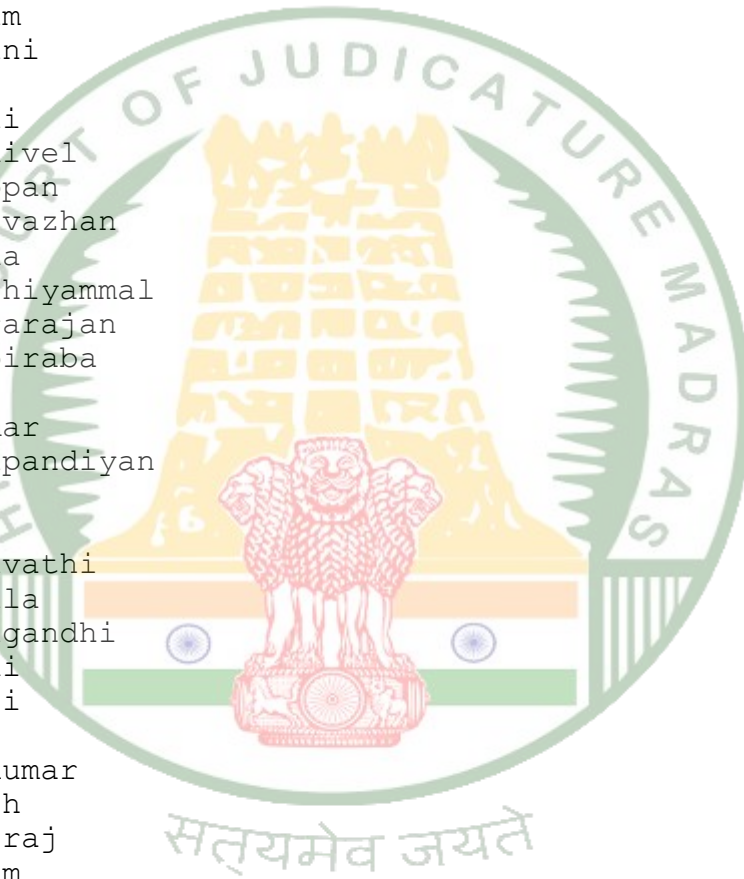
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44. Mr.Jothi
45. Mr.M.Palani
46. Mr.Kirubakaran
47. Mr.K.Elangovan
48. Mrs.Poongodi
49. Mr.Uthayakumar
50. Mr.K.Jothibabu
51. Mr.M.PArthasarathi
52. Mr.K.Balamurugan
53. Mr.V.Elumalai
54. Mr.D.Ganesan
55. Mr.R.Kumar
56. Mr.C.PRabu
57. Mr.M.Thirumalai
58. Mr.Thanchi
59. Mr.R.Dhandapani
60. Mr.Sakthivel
61. Mr.Deivendran
62. Mr.R.Kasinathan
63. Mr.Mari Michael Fernandas
64. Mr.N.Seenuvasan
65. Mr.M.Sartharbasha
66. Mr.V.Solaiappan
67. Mr.R.Paulraj
68. Mr.E.Balachandar
69. Mr.P.Anburaja
70. Mr.R.Mohan
71. Mr.A.Sabariraj
72. Mr.A.Dhayalan
73. Mr.K.Yugakalaivan
74. Mr.V.Pandiyan
75. Mr.Kutralanadhan
76. Mr.R.Velu
77. Mr.K.Perumal
78. Mr.K.Anbalagan
79. Mr.Balakrishnan
80. Mr.R.Selvakumaran
81. Mr.K.Murugan
82. Mr.V.Vengatesan
83. Mr.Varatharajan
84. Mr.Kannadasan
85. Mr.R.Moorthy
86. Mr.Amaresan
87. Mr.G.Gopinath
88. Mr.L.Parthipan
89. Mr.V.Arasu
90. Mr.S.Sekar
91. Mr.S.Ram
92. Mr.D.Nandhanvel



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93. Mr.K.Vasu
94. Mr.S.Saiyathnasar
95. Mr.I.Vijayan
96. Mr.G.Ramachandiram
97. Mr.K.Saravanan
98. Mr.G.Vengatapathy
99. Mr.Namachivazhan
100. Mr.Saravanan
101. Mr.Devirajan
102. Mr.Palani
103. Mr.Anbalagan
104. Mr.Vinothkumar
105. Mr.Sanmugam
106. Mrs.M.Bavani
107. Mrs.Rani
108. Mrs.Kanmani
109. Mr.S.Sakthivel
110. Mr.Santhappan
111. Mr.Namachivazhan
112. Mrs.K.Radha
113. Mrs.Boobathiyammal
114. Mr.Sowthararajan
115. Mrs.Jansibiraba
116. Mr.Kumar
117. Mr.Ravikumar
118. Mr.Sowdarapandiyan
119. Mrs.Latha
120. Mrs.Santhi
121. Mrs.Pathmavathi
122. Mrs.Parimala
123. Mrs.Indiragandhi
124. Mrs.Vanathi
125. Mr.Inbaraji
126. Mr.Muthu
127. Mr.Rajeshkumar
128. Mr.Gopinath
129. Mr.Anthoniraj
130. Mr.Thilagam
131. Mr.Vengatesan
132. Mr.Shanmugam
133. Mrs.Rajeswari
134. Mrs.Sumathi
135. Mrs.Mala
136. Mrs.Barani
137. Mrs.Visali
138. Mr.Sundaravadivelu
139. Mr.Manigandan
140. Mr.Vengatraman
141. Mr.Palani
142. Mrs.Leemarose



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143. Mrs.Mageswari
144. Mrs.Vijayalakshmi
145. Mrs.Poonkodi
146. Ms. Ramya
147. Mrs. Valliyammal
148. Mrs. Jayalakshmi
149. Mr. Ramesh
150. Mr. Saravanan
151. Mrs. Gomathi
152. Mrs. Revathi
153. Mrs. Pappitha
154. Mrs. Vachala
155. Mrs. Agila
156. Mr. Ayyasamy
157. Mr. Gunasekar
158. Mr. Kareem
159. Mrs. Lakshmibai
160. Mrs. Santhi
161. Mrs.Sathiyabama
162. Mrs. Mageswari
163. Mrs. Anbu
164. Mrs. Rasheena
165. Mr. Ramesh babu
166. Mrs. Gowri
167. Mrs. Padhmavathi
168. Mrs. Jayasudha
169. Mrs. Mutharanisha
170. Mrs. Jeeva
171. Mrs. Kannagi
172. Mrs. Sumathi
173. Mr. Giri
174. Mr. Vengatesan
175. Mr.Karthickraja
176. Mrs. Gomathi
177. Mrs. Pushpalatha
178. Mrs. Saravanakumari
179. Mr. Dhanraj



... Petitioners

vs.

1. State Represented by Sub-Inspector of Police,
Thiruvannamalai Town Police station,
Thiruvannamalai.

2. Mrs.J.Elavarasi

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure, to call for the records in

Crime No.1578 of 2018 dated 26.11.2018 for offences under Sections 143, 285 and 341 of IPC pending on the file of the 1st respondent.

For Petitioners : M/s.T.Lajapathi Roy

For Respondents : Mr.M.Mohanded Riyaz

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Cr.No.1578 of 2018 registered under Sections 143, 285 and 341 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.

3. This Court already had an occasion to consider the very same issue and had quashed the proceedings in CrI.O.P.[MD]. No.3860 of 2019 by an order dated 14.03.2019. 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.303 and 234 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 in A.Santhos Yadav .Vs. the Bar Council of Tamil Nadu, Chennai [2015 (40) CTC 317] has held as follows:

A careful reading of Section 285 would show that the mere burning of an effigy, by itself, was not made a punishable offence under the IPC. In fact, there is not even a reference in Section 285, I.P.C., to the burning of

effigies. Section 285 is actually inserted in Chapter XIV of the I.P.C., which deals with offences affecting public health, safety, convenience, decency and morals. Section 285, itself is grouped along with offences dealing with negligence. The manner in which Section 285 is worded would show that doing anything with fire or any combustible matter any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person, is made punishable. Therefore, acting rashly or negligently so as to endanger human life or in a manner likely to cause hurt or injury, is a sine qua non for making an act come within the meaning of Section 285."

7. This Court is in agreement with the above said judgment. Hence, the Impugned FIR in Crime No.2014 of 2018 dated 26.11.2018 pending on the file of the respondent no.1 is quashed and accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed."

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

5. In the result, the FIR in Cr.No.1578 of 2018, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

rka

To

1. The Sub-Inspector of Police,
Thiruvannamalai Town Police station,
Thiruvannamalai.

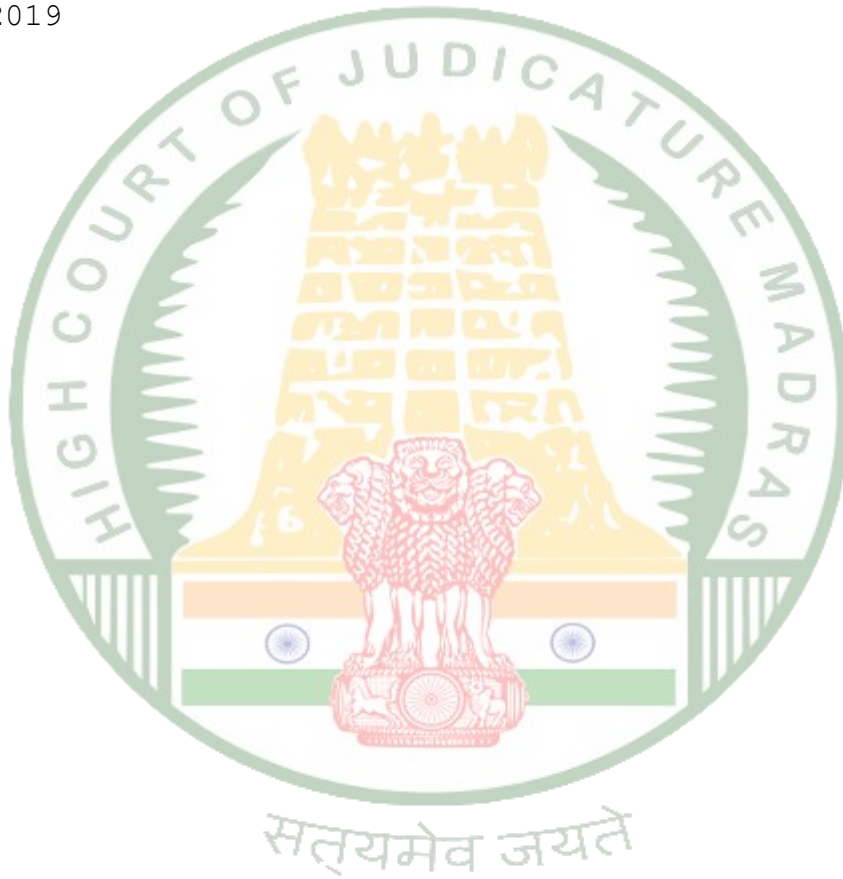
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2. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.K.Thilageswaran, Advocate sr.63306

Crl.O.P No.19600 of 2019
and Crl.M.P No.10051 of 2019

rr(co)
nr 23/09/2019



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