



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP Nos.17359 of 2019
and
Crl.MP.No.8744 of 2019

C.S.Mayil

.. Petitioner/Accused

.Vs.

1.State rep.by
The Inspector of Police,
Triplicane Police Station,
Chennai City.1st Respondent/Complainant

(Crime No.726 of 2018)

2.Mrs.Sahaya Anisha
Sub Inspector of Police,
D1 Triplicane Police Station,
Chennai-05.Respondents /Defacto Complainant

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.726 of 2018 dt.26.11.2018 pending investigation on the file of the respondent No.1 and quash the same.

For Petitioner : Mr.T.Lajapathy Roy

For Respondents: Mr.M.Mohamed Riyaz, APP

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Cr.No.72 of 2018 registered under Section 143 & 285 of IPC and 41 of Tamil Nadu City Police Act, 1888, against the petitioners.

2. Heard the learned counsel for the petitioner 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.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."

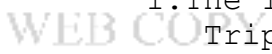
4. The above order will squarely apply to the facts of the present case.

5. In the result, the FIR in Cr.No.726 of 2018, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

- <https://hcservices.ecourts.gov.in/hcservices/>