



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.17934 of 2019
in Cr1.M.P.No.9043 of 2019

- 1.Mubarak Basha
- 2.Jaffar
- 3.Anwar
- 4.Basheer
- 5.Akbar Ali

...Petitioners/Accused 3 to 7

-Vs-

- 1.State rep by its
The Inspector of Police,
Tiruppur Police Station,
Tiruppur.
(Crime No.606 of 2012)

- 2.A.Muthusami

... Respondents/Complainant

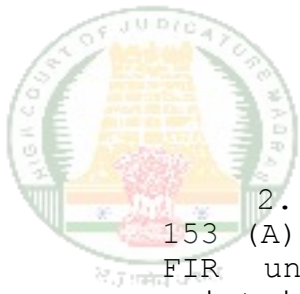
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the case in Cr.No.873 of 2011 on the file of the 1st respondent herein and quash the same as illegal and without jurisdiction.

For Petitioner : M/s.I.Abdul Basith

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition has been filed seeking to call for the records relating to the case in Crime No.873 of 2011 on the file of the 1st respondent herein and quash the same as illegal and without jurisdiction.



2. The FIR has been registered for an offence under Sections 153 (A) (i) r/w 188 of IPC. Insofar as the registration of the FIR under Section 188 of IPC is concerned, it is not maintainable in view of the judgment in 2018 2 LW (Cr1) 606 [Jeevanandham and others Vs. State Rep. by Inspector of Police and another].

3. Insofar as the offence under Section 153 (A) of IPC is concerned, a bare reading of Section 153 A of IPC postulates any act which promotes enmity between the groups on grounds of religion and race etc., or which are prejudicial to national integration, is punishable. The purpose of enactment of such a provision was to check fissiparous, communal and separatist tendencies and secure fraternity so as to ensure the dignity of the individual and the unity of the Nation. Similarly, Section 505 of IPC is aimed at reports calculated to produce mutiny or to induce one Section of the population to commit offences against another and to prevent and remove communal and religious tensions. The common feature in Section 153 A and Section 505, being promotion of felling of enmity, hatred or ill will between different religious or racial or linguistic or regional groups or cause and communities, it is necessary that at least two such groups or communities should be involved.

4. The allegations made in the present complaint does not attraction an offence under Section 153(A) of IPC.

5. The FIR is pending from the year 2011, without any progress. In view of the above, the FIR registered by the respondent police is not sustainable and the same requires the interference of this Court.

6. In the result, the FIR in Crime No.873 of 2011, on the file of the first respondent is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.17934 of 2019
in Crl.M.P.No.9043 of 2019

rji(co)
nr 19/08/2019