



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2019

CORAM:

THE HONOURABLE **MR. JUSTICE. N. SESHASAYEE**

Cr1.O.P. (MD) No.2727 of 2019

and

Cr1.M.P. (MD) No.1499 of 2019

1.D.Gnanasekaran,
S/o.Duraisamy,
Panchayat Union Primary School,
Mampattipatti, Chellampatti Union,
Madurai District.

2.D.Murugan,
S/o.Devadass,
Panchayat Union Middle School,
Ayothipatti, Ysilampatti Union,
Madurai District.

: Petitioners

/Vs./

1.State represented by
The Inspector of Police,
Tallakulam Police Station,
Madurai City.
(Crime No.2398 of 2018)

2.Mr.Jegathishkumar

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to call for the records pertaining to the impugned FIR in Crime No.2398 of 2018 dated 26.11.2018 pending on the file of the respondent no.1 and quash the same as illegal as against the petitioner alone.

For Petitioners

: Mr.T.Lajapathi Roy

For R-1

: Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Cr1. Side)

ORDER

This criminal original petition is filed to quash the FIR in Crime No.2398 of 2018 dated 26.11.2018 pending on the file of the respondent no.1.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Cr1. Side).

3. The petitioners are arrayed as accused no.1 and 2 for the offences under Sections 143 and 285 IPC, based on the complaint preferred by the second respondent.



4. The case of the prosecution is that the petitioners staged the protest against the Government Orders. In the course of agitation, the Government orders namely G.O.Ms.No.234 and 303 are alleged to have been burned 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 in Crime No.2398 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.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Tallakulam Police Station,
Madurai City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No. 49490

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TR (10.04.2019) 2P 4C