



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P. (MD) .No.3860 of 2019
and
Crl.M.P. (MD) .No.2269 of 2019

- 1.C.Arockiaraj
- 2.P.Ruskin Rayappan
- 3.J.Ignacimuthu Robert
- 4.V.Hemalatha
- 5.T.Jeevanjaju
- 6.S.Vincent
- 7.G.Sakthivel
- 8.A.Mathalai Muthu
- 9.R.Thamil Selvi
- 10.K.Karuppiah
- 11.P.Arumugam
- 12.S.Ranjith Kumar
- 13.L.Peter Michealraj
- 14.R.Thamodharan
- 15.Radhakrishnan
- 16.A.Mariadoss
- 17.A.P.Murugesan
- 18.P.Vijayalakshmi
- 19.M.Thomas
- 20.L.Arulmasilamani
- 21.S.Elanchzhyan
- 22.P.Thamil Selvam
- 23.A.Arokia Doss
- 24.D.Ethiraj
- 25.M.Sylvester
- 26.R.Vadivelu
- 27.V.J.Ruban Vinoth Kumar
- 28.V.Shanthi
- 29.A.William George
- 30.V.Vijayakumar
- 31.P.Rajendran
- 32.S.Elamparithi
- 33.R.Revathy
- 34.S.Lakshmi Sundari
- 35.P.I.Diraviam
- 36.V.Gandhimathi
- 37.K.Kalyani
- 38.K.Senthil Jeyakumar
- 39.A.Stephen



40.C.Muthusarogini
41.R.Medilda
42.L.Sahayaraj
43.S.Kulandairaj
44.R.Johnson Jesuraj
45.A.Thomasbaskar
46.I.Xavier Aruldoss
47.S.Xavier
48.S.Ilaya Raja
49.N.Chairman Durai
50.D.Raja
51.P.Ravi
52.K.Muthusamy
53.S.Manikkumar
54.S.Mahalilingam
55.C.Raja
56.T.Ramesh
57.S.Pechiyammal
58.C.Somasundaram
59.R.Natanam
60.M.Mahendran
61.R.Kaliraj
62.P.Ramesh
63.K.Prabaharan
64.K.Albert
65.S.Shanmugapriya
66.P.Srividya
67.G.Ganga
68.P.Padma
69.P.Maheswari
70.A.Alexander Arockia Dharmaraj
71.V.Senthilkumar ... Petitioners / Accused Nos. 1 to
18, 20, 22 to 29, 31, 32, 34, 58, 60 to 76

Vs.

1.The State represented
by the Inspector of Police,
Cantonment Police Station, Trichy District.
(Crime No.2014 of 2018)

... Respondent / Complainant

2.Stephen Dhanaraj

... Respondent / De facto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned First Information Report in Crime No.2014 of 2018, dated 26.11.2018, pending on the file of the first respondent and quash the same as illegal as against the petitioners alone.



For Petitioner : Mr.T.Lajapathi Roy

For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)

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ORDER

The present petition is filed to quash the proceedings in Crime No.2014 of 2018, dated 26.11.2018, pending on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the first respondent.

3. The petitioners are arrayed as accused Nos.1 to 18, 20, 22 to 29, 31, 32, 34 to 58, 60 to 76 for the offences under Sections 143, 290 and 285 IPC, based on the complaint preferred by the second respondent.

4. The case of the prosecution is that the petitioners staged 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.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Inspector of Police,
Cantonment Police Station, Trichy District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate SR-54679.

Cr1.O.P. (MD) .No.3860 of 2019
14.03.2019

CS: (14/06/2019) 4P 4C