



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

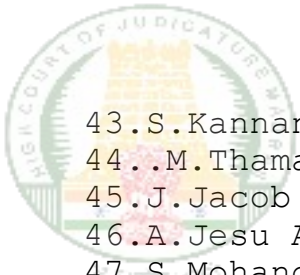
Crl.O.P. [MD]No.5263 of 2019

and

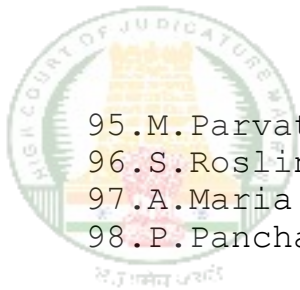
Crl.M.P. (MD)No.3321 of 2019

WEB COPY

- 1.M.Muniyasamy
- 2.S.Muthu Murugan
- 3.R.Ariyanayagam
- 4.N.Anbarasan
- 5.V.Gunasekaran
- 6.S.Thiruppathi
- 7.R.Harikrishnan
- 8.D.Elanthiraiyan
- 9.R.Muniyandi
- 10.B.Silambarasan
- 11.Y.David Kennedy
- 12.A.Thiruvengadam
- 13.S.Ilango
- 14.H.Anandhakumar
- 15.G.Muralimohan
- 16.M.Christopher Kennady
- 17.P.Antony Criminaly
- 18.M.Johnkennedy
- 19.R.Rajeswaran
- 20.S.Johnkennedy
- 21.V.Vijayaram
- 22.M.Ponraj
- 23.M.Chinnathambi
- 24.K.Selvaraj
- 25.A.Ignacimuthu
- 26.N.Seeni Ibrahim
- 27.P.Muthuraj
- 28.V.Murugesan
- 29.S.Shanmugaraja
- 30.R.Chandiran
- 31.K.Ganesamoorthi
- 32.J.J.Leoin
- 33.N.Raja
- 34.S.Alexander
- 35.M.Ravi
- 36.S.Jeyaraj
- 37.N.Anand
- 38.A.John Britto
- 39.J.Sahaya Mathiarasu
- 40.K.Ravi
- 41.T.Kalimuthu
- 42.R.Vasanth Kumar



- 43.S.Kannan
- 44..M.Thamarai Kani
- 45.J.Jacob Deva Asirvaham
- 46.A.Jesu Arulanantham
- 47.S.Mohandoss
- 48.P.Devadass
- 49.C.Godwin Sam Chandar
- 50.C.Thatheuraj
- 51.M.Velmurugan
- 52.S.Sudhakar
- 53.K.Arumugam
- 54.S.Sahayaraj
- 55.K.Murugesan
- 56.V.Murugesan
- 57.V.Ramu
- 58.K.Sekilar
- 59.G.Kanagaraaj
- 60.C.Chandrasekaran
- 61.G.Sundar
- 62.U.Rajesh
- 63.A.Murugavel
- 64.A.Ramar
- 65.T.Kulasekarapandiyan
- 66.C.Krishnamoorthy
- 67.M.Muruganandam
- 68.N.Gomagan
- 69.J.Jeyaseelan
- 70.K.Michael Raj
- 71.E.Isan Samuel Arockiadass
- 72.S.Ravindran
- 73.M.Senthil Kumar
- 74.M.Muthukrishnan
- 75.A.Jesu Raja
- 76.A.Britto
- 77.P.Annapooranam
- 78.J.Jenet Nirmala
- 79.S.B.Senthamil Selvi
- 80.K.Roselind Heni Jane
- 81.P.Hemamalini
- 82.K.Muniammal
- 83.s.Jeyalakshmi
- 84.V.Radhamani
- 85.T.Shanthinirmala
- 86.M.Muneeswari
- 87.P.K.Saraswathi
- 88.Arthi Jeba Angel
- 89.S.Mathavi
- 90.R.Umadevi
- 91.K.Muthumari
- 92.T.Rajeswari
- 93.S.Francis Mary
- 94.R.Sahayashyamala



95.M.Parvathy
96.S.Roslin Pushpam
97.A.Maria Pushpam
98.P.Pancha

: Petitioners/Accused Nos.1 to 98

Vs.

1.The State through

The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

(Crime No.326 of 2018) : Respondent/Complainant

2.M.Kalaiarasan

: Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.326 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 Petitioners

: Mr.T.Lajapathi Roy

For R-1

: Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the FIR in Crime No.326 of 2018 registered for the offence under Section 151 Cr.P.C..

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

3. The learned counsel for the petitioners submitted that the petitioners herein are the part of the Association of Government Employees and they are alleged to have participated in an agitation demanding certain benefits from the Government and the case under Section 151 Cr.P.C., came to be registered. He added that Section 151 Cr.P.C., is not a penal provision, but it only enables preventive detention for a period not exceeding 24 hours when the Police Officer comes to know of a design to commit any cognizable offence by anybody and enable the Police Officer to arrest the person so designing without warrant.

4. There is merit in the submissions of the learned counsel for the petitioners. Section 151 Cr.P.C., reads under:-

"(1) A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.



2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty-four hours from the time of his arrest unless his further detention is required or authorised under any other provisions of this Code or of any other law for the time being in force."

WEB COPY

5. As rightly argued, this provision only enables preventive detention for a period of not exceeding 24 hours subject to the condition that if the Police Officer has come to know that the persons to be detained under the said provision have design to commit any cognizable offences, and arresting them after obtaining necessary orders from the Magistrate under warrant is not feasible.

6. Inasmuch as Section 151 Cr.P.C., is not a penal provision, no case can be registered. Secondly on the expiry of 24 hours the proceeding dies on its own.

7. Seen from whichever angle, nothing can be justified to the continuous existing of the FIR in Crime No.326 of 2018 and it is liable to be quashed. Accordingly FIR in Crime No.326 of 2018 is quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

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

+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No. 62322

Cr1.O.P. [MD]No.5263 of 2019

TA

KK/SAR/19.06.2019/4P-4C