



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.07.2019

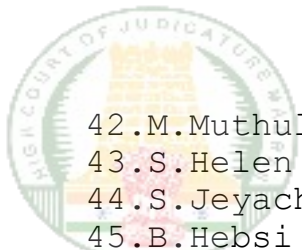
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THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P.(MD).No.9454 of 2019
and Crl.M.P.(MD).No.6023 of 2019

- 1.L.Chinnasamy
- 2.P.Rajasekar (Wrongly mentioned in the FIR as R.Rajasekar)
- 3.M.Chandrasekaran
- 4.S.Samynathan
- 5.M.Sakthivel
- 6.S.Jeyakumar
- 7.S.Jeevanantham
- 8.M.Kannan
- 9.C.Saravanan
- 10.N.S.K.Parani Babu (Wrongly mentioned in the FIR as M.Parani Babu)
- 11.P.Ramachandran
- 12.R.Sivakkumar
- 13.V.Seenivasan (Wrongly mentioned in the FIR as A.Seenivasan)
- 14.C.Jeyarai (Wrongly mentioned in the FIR as U.Jeyarai)
- 15.S.Vinoth Kumar
- 16.M.Natarajan
- 17.S.Ramaguru
- 18.P.Seenivasakan (Wrongly mentioned in the FIR as P.Seenivasan)
- 19.M.Ravichandran
- 20.P.Murugesan
- 21.P.Mayil Vaganan
- 22.V.Ayyappan
- 23.D.V.Jaisan Dfanny Mosses
- 24.A.Victor Sharma
- 25.V.Kumar
- 26.M.Ramesh
- 27.A.Saravanan
- 28.H.Gunasekaran
- 29.T.Thiruvengadesan
- 30.M.Suthanthirapandiyan
- 31.V.Vairapandi (Wrongly mentioned in the FIR as A.Vairapandi)
- 32.S.Pandiyan
- 33.R.Murugesan
- 34.S.Balamurugan
- 35.M.Athimurugan
- 36.P.Muthusamy
- 37.C.Periyakaruppan
- 38.K.Ochukkalai (Wrongly mentioned in the FIR as M.Ochakkalai)
- 39.P.Ramuthai
- 40.R.Prabavathi
- 41.S.Owaiyar (Wrongly mentioned in the FIR as R.Owaiyar)



42.M.Muthulakshmi
43.S.Helen Therasa
44.S.Jeyachitra
45.B.Hebsi Leela (Wrongly mentioned in the FIR as B.Hebsilla)
46.J.P.Shanthi Hemalatha
47.M.Thamaraiselvi
48.S.Manjammadevi (Wrongly mentioned in the FIR as Machammaldevi)
49.G.Lilli Pooranam
50.K.S.Vasuki
51.R.Amirthashobi
52.S.Pushparani
53.N.Muthuselvi
54.S.K.Bahini (Wrongly mentioned in the FIR as S.K.Vahini)
55.Vijayalakshmi (Wrongly mentioned in the FIR as S.Vijayalakshmi)
56.N.Umarani
57.A.Amirthasironmani
58.P.Pandiyammal
59.M.Lavanya (Wrongly mentioned in the FIR as A.Lavanya)
60.M.P.Chandrakala
61.V.Jeyashobhiya
62.T.Eswari (Wrongly mentioned in the FIR as D.Eswari)
63.K.Deepa
64.S.Chinnammal
65.C.R.Rani (Wrongly mentioned in the FIR as C.Rani)
66.B.Salammal
67.V.Rani
68.P.Valarmathi
69.C.K.Amirtha Gowri
70.P.Nehru Jinna Begam
71.M.Valarmathy (Wrongly mentioned in the FIR as P.Valarmathy)
72.A.Periya Nayakam @ Geetha
73.R.Manjula
74.N.Shanthi Jeyakumari
(Wrongly mentioned in the FIR as A.Shanthi Jeyakumari)
75.M.Prabha
76.P.Muthulakshmi
77.P.Chinnathai

.. Petitioners/

Accused Nos.1 to 6, 8 to 15, 17 to 79

-Vs-

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

.. Respondent/Complainant

2.Mr.Jegathishkumar

.. Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, 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 petitioners alone.

For petitioners
For Respondent

: Mr.T.Lajapathi Roy
: Mr.K.K.Ramakrishnan
Additional Public Prosecutor

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ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.2398 of 2018, on the file of the first respondent.

2.The petitioners are arrayed as Accused Nos.1 to 6, 8 to 15, 17 to 79 in a crime registered against the petitioners for the offences punishable under Sections 143, 285 of IPC. The above case has been registered based on a complaint given by the Village Administrative Officer, Madurai North, wherein it has been stated that the petitioners who are belong to Tamilnadu Elementary School Teachers Federation were unlawfully assembled and burnt the G.O.Ms.Nos.234 and 303. Challenging the above said FIR, the petitioners have come forward with this petition.

3.Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner would submit that totally there are 79 accused in the above said Crime number. Earlier, A7 and A16 in this case filed a petition to quash the very same F.I.R and this Court by an order dated 22.02.2019, in CrI.O.P.(MD).No.2727 of 2019 quashed the F.I.R. in respect of them. The petitioners are also similarly placed persons. Hence, the order passed by this Court squarely applicable to the petitioners also, he has also produced the copy of the order passed in the above criminal original petition.

4.Learned counsel appearing for the respondent is not disputing the above fact.

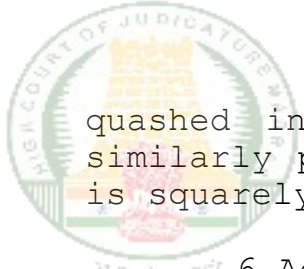
5.The order dated 22.02.2019, passed by this Court in CrI.O.P.(MD).No.2727 of 2019 reads as follows:

"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."

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

6.Considering the fact that already the same F.I.R. has been



quashed in respect of A7 and A16 and the petitioners are also similarly placed accused, this Court is of the view that the order is squarely applicable to them also.

6. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.2398 of 2018, dated 26.11.2018, on the file of the first respondent, in respect of the petitioners herein is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

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

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-75248[F] dated 15/07/2019)

Crl.O.P. (MD) .No.9454 of 2019
12.07.2019

tm/gns
JM/06.08.2019/2P-4C