



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 22.07.2019

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Coram
THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**
Crl.O.P. (MD) .No.10040 of 2019
and Crl.M.P. (MD) .No.6300 of 2019

S.James Antony Doss (Wrongly mentioned in F.I.R as Jamesh)
.. Petitioner/Accused No.3

-Vs-

1.The Sub Inspector of Police
Town North Police Station
Dindigul District
(Crime No.1034 of 2018) .. Respondent/Complainant

2. P.Muthamil Selvi
Sub Inspector of Police
Courtallam Police Station
Tirunelveli District .. Respondent/Defacto
Complainant

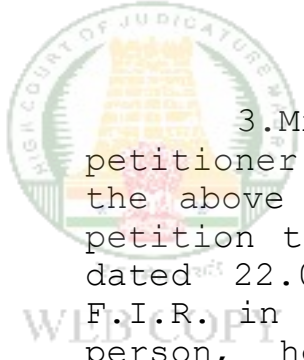
Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.1034 of 2018, dated 26.11.2018 on the file of the Respondent No.1 and quash the same as illegal as against petitioner alone.

For petitioner	:Mr.T.Lajapathi Roy
For Respondent No.1	:Mr.K.K.Ramakrishnan
	Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.1034 of 2018, on the file of the first respondent.

2.The petitioner is arrayed as an Accused No.3 in a crime registered against the petitioner for the offences punishable under Sections 143 and 285 of IPC. The above case has been registered based on a complaint given by the Sub Inspector of Police, Courtallam Police Station, Tirunelveli District, wherein it has been stated that the petitioner, who is the District Secretary along with some members of the Government Staff and Teachers' Association, unlawfully assembled and burnt the C.O.NS.NO.303, dated 11.10.2017. Challenging the above said FIR, the petitioner has come forward with this petition.



3. Mr. T. Lajapathi Roy, learned counsel appearing for the petitioner would submit that totally there are three accused in the above said Crime number. Earlier, A1 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.866 of 2019 quashed the F.I.R. in respect of him. The petitioner also a similarly placed person, hence, the order passed by this Court squarely applicable to the petitioner also, he has also produced the copy of the order passed in the above criminal original petition.

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

5. The order dated 22.02.2019, passed by this Court in CrI.O.P.(MD).No.866 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. Another learned Judge of 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 I.P.C. In fact, there is not even a reference in Section 285 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.1034 of 2018 dated 26.11.2018 pending on the file of the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed."



6.Considering the fact that already the same F.I.R. has been quashed in respect of A1 and the petitioner is also a similarly placed accused, this Court is of the view that the above order is squarely applicable to him also.

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7.Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.1034 of 2018, dated 26.11.2018, on the file of the first respondent, in respect of the petitioner herein is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To

1.The Sub Inspector of Police
Town North Police Station
Dindigul District

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

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-76952.

Crl.O.P. (MD) .No.10040 of 2019
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CS(08.08.2019) 3P 4C