



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.10835 of 2017

and

CRL.M.P(MD)No7407 of 2017

Kannan .. Petitioner/6th Accused

Vs.

1.The Inspector of Police,
Batlagundu Police Station,
Dindigul District. .. 1st Respondent/Complainant

2.Ramu .. 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the S.T.C.No.1114/2015 on the file of the learned Judicial Magistrate, Nilakkottai, Dindigul District and quash the same against the petitioner.

For Petitioners	: Mr.K.Manikandan
For Respondents	: Mr.K.Suyumbulinga Bharathi for R1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the S.T.C.No.1114 of 2015 on the file of the Judicial Magistrate, Nilakottai, Dindigul District, in Cr.No.331 of 2015 registered under Section 143, 188, & 341 of IPC, against the petitioner along with other accused.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing on behalf of the respondent Police.

3. This Court already had an occasion to consider the very same issue and had quashed the proceedings in Crl.O.P.[MD].No.1840 of 2019 by an order dated 22.02.2019. The relevant portions of the order is extracted hereunder:

"4. The case of the prosecution is that the petitioners staged the protest against the Government Orders. In the course of agitation, the Government Order namely G.O.Ms.Nos. 234 and 303 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 finds merit in the submission of the learned counsel appearing for the petitioners. Hence, the impugned FIR is quashed as against the offences under Sections 143 and 285 IPC only and accordingly, this criminal original petition is partly allowed. Consequently, connected miscellaneous petition is closed."

4. The above order will squarely apply to the facts of the present case.

5. The FIR registered under Section 188 of IPC is not maintainable in view of the judgment of this Court in **Jeevanandham and Others .Vs. State rep.by Inspector of Police, and Another** reported in [2018 2 LW (Cr1.) 606]

6. In the result, the S.T.C.No.1114 of 2015 on the file of the Judicial Magistrate, Nilakottai, Dindigul District, is hereby quashed in respect of this petitioner and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

TM
To

1.The Judicial Magistrate, Nilakottai, Dindigul District.

2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.



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

+1CC TO MR.K.MNIKANDAN, Advocate Sr. No. 94363

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24.10.2019

TR(07.11.2019) 3P 5C