



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.14346 of 2017

and

Crl.M.P. (MD) .No.9569 of 2017

Chellapandi

... Petitioner

Vs.

State represented by  
The Sub Inspector of Police,  
Aruppukkottai Taluk Police Station,  
Virudhunagar District.

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in connection with Crime No.224 of 2017, on the file of the respondent Police and quash the First Information Report insofar as the petitioner is concerned.

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| For Petitioner  | : Mr.S.Poorna Chandran                                 |
| For Respondents | : Mr.S.Chandrasekaran,<br>Additional Public Prosecutor |

### O R D E R

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.224 of 2017 registered under Section 143 & 188 of IPC and Rule 41 (ii) and 177 of Motor Vehicles Act, 1988 against the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 F.I.R. 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 (Crl.) 606]

6. In the result, the F.I.R. in Crime No.224 of 2017, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected Crl.M.P.(MD) No.9569 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS )

To

- 1) The Sub Inspector of Police,  
Aruppukkottai Taluk Police Station,  
Virudhunagar District.
- 2) The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to Mr.S. POORNACHANDRAN, Advocate ( SR-90769[F] dated 01/10/2019 )

Order made in  
**Crl.O.P. (MD) .No.14346 of 2017**

Dated:27.09.2019

**STS**

MK (04.11.2019) 2P 4C  
<https://hservices.courts.gov.in/hservices/>