



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.5117 of 2017

and

Crl.M.P.(MD) Nos.3621 & 3622 of 2017

- 1) Krishnaveni
- 2) Sri Lakshmi
- 3) Grisha
- 4) Geetha
- 5) Mathavi
- 6) Santha
- 7) Jeyanti
- 8) Kantha
- 9) Karthika
- 10) Vijayalakshmi
- 11) Bhuvaneshvari
- 12) Pushpa
- 13) Selvi
- 14) Geetha
- 15) Prabhavathy
- 16) Krishnaveni
- 17) Sakthi
- 18) Subashini
- 19) Rubini



- 21) Selvi
22) Pottiammal
23) Muniammal
24) Sakunthala
25) Palaniammal

... Petitioners/ Accused
Nos.1 to 25

Vs.

- 1) The State Rep. by
The Inspector of Police,
South Police Station,
Dindigul Town, Dindigul District.
(Crime No.171 of 2014) ... Respondent/Complainant
- 2) P.Saravanan,
Sub Inspector of Police,
South Police Station,
Dindigul Town, Dindigul District. ... Respondent/
De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the impugned charge sheet in C.C.No.168 of 2015 pending on the file of the Judicial Magistrate No.3, Dindigul and quash the same, insofar as the petitioners are concerned.

For Petitioners : Mr.D.Selvaraj

For R-1 : Mr.K.Dinesh Babu,
Additional Public Prosecutor

For R-2 : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.168 of 2015 pending on the file of the learned Judicial Magistrate No.3, Dindigul.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the



first 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 & Others Vs. State, rep. by Inspector of Police, & another** reported in (2018) 2 LW (Crl.) 606.

6. In the result, the C.C.No.168 of 2015 pending on the file of the learned Judicial Magistrate No.3, Dindigul, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



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To

WEB COPY

1. The Judicial Magistrate No.3,
Dindigul.
2. The Inspector of Police,
South Police Station,
Dindigul Town, Dindigul District.
(Crime No.171 of 2014)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.S. SARVAGAN PRABHU, Advocate (SR-99648[F] dated
20/11/2019)

Order made in
Crl.O.P. (MD) No.5117 of 2017

Dated:
19.11.2019

KM/ (06.01.2020) 4P 5C