



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM

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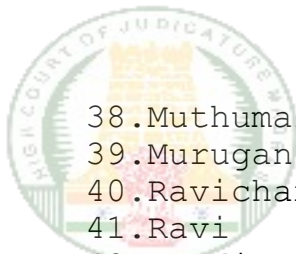
**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CRL.O.P(MD)No.9468 of 2017**

**and**

**CRL.M.P(MD)Nos.6446 of 2017**

- 1.M.Rajarathinam
- 2.Shanmugarajan
- 3.Nagarajan
- 4.Sonai
- 5.Chidambaram
- 6.Ganesan
- 7.Manimuthu
- 8.Selvarangan
- 9.Krishnakumar
- 10.S.P.Muruganantham
- 11.Parthiban
- 12.Sethuraman
- 13.Suresh
- 14.Sethupathy
- 15.Kongeswaran
- 16.Muthuvel
- 17.Viswanathan
- 18.Manivannan
- 19.Kannan
- 20.Lakshmanan
- 21.Gnanavel
- 22.Jothibas
- 23.Sikkanthar
- 24.Gajendran
- 25.Manikannan
- 26.Durai Prabhu
- 27.Anandakumar
- 28.Chandrasekaran
- 29.Srinivasan
- 30.Sonaimuthu
- 31.Murugan
- 32.Muniyandi
- 33.Baskaran
- 34.Vellaisamy
- 35.Rajalingam
- 36.Udayar
- 37.Ramalingam



38.Muthumari  
39.Murugan  
40.Ravichandran  
41.Ravi  
42.Pandiyan  
43.Ramasubramanian  
44.Santhanam  
45.Thennarasu  
46.Raman  
47.Kichu @ Gunasekaran  
48.Selvamurugan  
49.Arul Prakasam  
50.Selvam  
51.Thangavel Pandian  
52.Marimuthu  
53.Muniyandi  
54.Palanisamy  
55.Mohanraj  
56.Natarajan  
57.Murugaboopathi  
58.Sivaji  
59.Kannan  
60.Vijayakumar  
61.Arumugam

.. Petitioners/Accused Nos.2 to 23 & 25 to 63)

Vs.

1.The State represented by  
The Sub-Inspector of Police,  
Town Police Station,  
Sivagangai District.  
(Cr.No.258/2014)

.. 1<sup>st</sup> Respondent/Complainant

2.Naganathan

.. 2<sup>nd</sup> Respondent/Defacto Complainant

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in S.T.C.No.5835 of 2014 on the file of the Judicial Magistrate No.I, Sivagangai and quash the same as illegal as against the petitioners concerned.

For Petitioners  
For Respondents

: Mr.J.Jeyakumaran  
: Mr.K.Dinesh Babu for R1  
Additional Public Prosecutor  
R2 - No Appearance



**ORDER**

This Criminal Original Petition has been filed seeking to quash the S.T.C.No.5835 of 2014 on the file of the Judicial Magistrate No.I, Sivagangai in Cr.No.258 of 2014 registered under Section 143, 188 & 341 of IPC, against the petitioners.

2. Heard the learned counsel for the petitioners 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 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.5835 of 2014 on the file of the Judicial Magistrate No.I, Sivagangai, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate No.I, Sivagangai.

2.The Sub-Inspector of Police, Town Police Station,  
Sivagangai District.

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate ( SR-94377[F] dated  
24/10/2019 )

**CRL.O.P (MD)No.9468 of 2017**

24.10.2019

KK/SAR/11.11.2019/4P-5C/