



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.4039 of 2020

- 1.M.Iraniyan
 - 2.M.Thangapandiyan
 - 3.P.Prem Kumar
 - 4.K.Saravanan
 - 5.M.Senthil Kumar @ Sathish Kumar
 - 6.K.Chithambaram
 - 7.M.Manikandan
 - 8.K.Muthukumar
 - 9.M.Tamilarasan
 - 10.B.Vignesh
 - 11.R.Karthick ... Petitioners/Accused Nos.1 to 11
- Vs.
- 1.State represented by
the Inspector of Police,
C4-Thilagar Thidal Police Station (L&O),
Madurai District.
(Crime No.251 of 2017) ... Respondent/Complainant
 - 2.Sundara Pandiyan ... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charge sheet in S.T.C.No.348 of 2017 on the file of the learned Judicial Magistrate No.II, Madurai in Crime No.251 of 2017, dated 15.03.2017 on the file of the Respondent No.1, for alleged offences under Sections 143 and 188 of IPC and quash the same as illegal as far as the petitioners



For Petitioners : Mr.T.Thirumurugan

For R1 : Mr.A.Robinson

Government Advocate (CrI.side)

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ORDER

The petitioners are facing trial in STC No.348 of 2017 on the file of the Judicial Magistrate No.II, Madurai for the offences under Sections 143 and 188 of IPC. The petitioners belong to Kuravar community. Their demand is that their community should be included in the Scheduled Tribes list. At present, they have been classified as a de-notified community. Since their request was not being acted upon, they shouted slogans condemning the inaction on the part of the governments. Hence, Crime No.251 of 2017 was registered on the file of the Thilagar Thidal Police Station. Final report was filed before the jurisdictional magistrate who took cognizance of the offences under Sections 143 and 188 of IPC. To quash the same, this criminal original petition has been filed.

2.Heard the learned counsel on either side.

3.It is not in dispute that except shouting slogans, the petitioners have not indulged in any other illegal act. It is true that there has been a technical breach of the prohibitory order issued by the authority. But then, it is not the case of the prosecution that some adverse consequence ensued as a result. The petitioners belong to economically and socially lower strata. They do have some legitimate grievances. Since it was not taken note of, they had assembled and lodged their protest by shouting slogans. It was a peaceful protest. I am therefore of the view that it should not have invited the impugned prosecution. Its continuation is clearly not warranted. Quashing the same alone would secure and serve the ends of justice. Accordingly, the impugned proceedings stand quashed. This criminal original petition stands allowed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

skm



To

1.The Inspector of Police,
C4-Thilagar Thidal Police Station (L&O),
Madurai District.

2.The Judicial Magistrate No.II, Madurai.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-10040[F]
dated 04/03/2020)

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NR(09.06.2020) 3P 5C