



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.[MD] No.3776 of 2020

and

CrI.M.P[MD]No.2053 of 2020

WEB COPY

- 1.A.Kamaraj
- 2.A.Jeyabala Krishnan
- 3.Suresh
- 4.C.Chet Thanga Arun @ Arun
- 5.R.Krishna Muthu Siva @ Sivanu
- 6.M.Sastha
- 7.T.Vivek
- 8.M.Karuppasamy
- 9.M.Manikandan
- 10.K.Gandhi
- 11.T.Selvam
- 12.K.Velladurai

: Petitioners/A1 to A12

vs.

- 1.The State represented by the
Inspector of Police,
Serndhamaram Police Station,
Tirunelveli District.
(Crime No.384 of 2018)

- 2.Vasuthevan
Sub-Inspector of Police,
Serndhamaram Police Station,
Tirunelveli District.

: Respondents

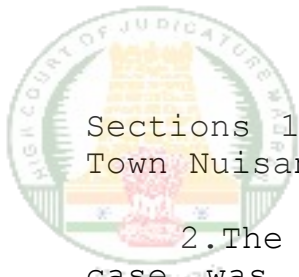
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the First Information Report in Crime No.384 of 2018 on the file of 1st respondent and quash the same as illegal.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mrs.S.Bharathi
Govt. Advocate (crl.side) (for R1)

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.384 of 2018 on the file of the first respondent under
<https://hservices.courts.gov.in/hservices/>



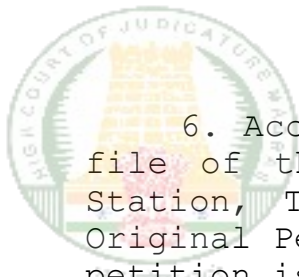
Sections 143, 188, 290, 291 of IPC and Section 3-A of Tamil Nadu Town Nuisance Act, 1889.

2.The learned counsel for the petitioners would submit that a case was filed against the petitioners for the offences under Sections 143, 188, 290, 291 of IPC and Section 3-A of Tamil Nadu Town Nuisance Act, 1889. The allegation against the petitioners is that by conducting a programme for children by using loud speakers, the petitioners have violated the orders passed by the Hon'ble Supreme Court of India and when the respondent police had asked them to stop the function, they have refused to stop the function. He would submit that the petitioners were conducting programme in a peaceful manner for children to perform their skill. He would submit that the second respondent is the Sub Inspector of Police attached to the first respondent police station. The learned counsel would submit that in respect of the offence under Section 188 of IPC, registration of FIR is not maintainable, in view of the decision reported in **2018 2 LW (Cr1) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in the case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other** in batch of cases in **Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019**. Insofar as the other allegations, a case under Section 143 of IPC cannot be made out against the petitioners, since there was no unlawful assembly and it was only a programme conducted for children. Insofar as the other offences under Sections 290 and 291 of IPC and Section 3-A of Tamil Nadu Town Nuisance Act, 1889, they are not cognizable offence and FIR cannot be registered without appropriate order being passed under Section 154 Cr.P.C. In support of his contention, the learned counsel for the petitioners relied on a decision made in **Crl.O.P(MD)No.9889 of 2017 dated 24.10.2019**.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the facts of the case are similar to the facts covered under the Judgment referred above.

4.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.Side) appearing for the respondent and perused the materials on record.

5.The facts of this case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Cr1) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other** in batch of cases in **Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019**.



6. Accordingly, the proceedings in Crime No.384 of 2018 on the file of the first respondent police, namely, Serndhamaram Police Station, Tirunelveli District is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn

To

- 1.The Inspector of Police,
Serndhamaram Police Station,
Tirunelveli District.
- 2.The Sub Inspector of Police
Serndhamaram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

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and
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AP(23/03/2020) 3P 4C