



WEB COPY

CrI.O.P.(MD)No.5091 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.5091 of 2020

and

CrI.M.P. (MD)No.2934 of 2020

- 1.P.Paramasivan
- 2.B.C.Jeyakumar
- 3.C.Kalaiarasan
- 4.J.Jeyakannan
- 5.M.Mahendraprabhu
- 6.I.Velmani
- 7.Gurudhas
- 8.A.Mayakannan
- 9.M.Malathi
- 10.K.S.Gomathi
- 11.Jeyakodi
- 12.Saroja
- 13.Manonmani
- 14.G.Annamathi
- 15.Sangeetha
- 16.Thamilarasi
- 17.Grace
- 18.Shyla
- 19.Suma
- 20.V.Leelavathi
- 21.D.Malliga
- 22.Kumutha
- 23.Tamilarasi
- 24.Lalitha
- 25.C.Kannan
- 26.M.Sonaimuthu
- 27.T.Nagendran
- 28.N.Krishnakumar
- 29.Kannan
- 30.G.Suresh
- 31.Maruthupandian
- 32.Selvaraj
- 33.Ramachandran
- 34.Senthilboopathy
- 35.V.Ramamoorthy
- 36.A.Pandiarajan
- 37.Thangadurai



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38. Shunmuganathan
39. G. Karuthiruman
40. A. Muthukumar
41. M. Senthikumar
42. K. Jaganathan
43. S. Seenivasan
44. Jegatheesan
45. G. Ramadass
46. A. Rameshkumar
47. M. Thannasi
48. K. Antony
49. K. Murugan
50. S. Arujunamuthukumaran
51. Antony
52. Murugaraj
53. Ramanathan
54. S. Saravanan
55. Sathaiyan
56. K. Muthuraj
57. G. Packiaraj
58. S. Senthilkumar
59. M. Guruprasath
60. V. Chinnachamy
61. V. Muthuraj
62. Thangaraj
63. M. Muniyandi
64. S. Sivakumar
65. G. Balasubramanian
66. P. Ramar
67. S. D. Rajesh
68. Arumugam
69. Maharajan
70. Alagarsamy
71. Selvaganesan
72. Vairamuthu
73. Karuppasamy
74. Ramachandran
75. Kavitha
76. Dhanalakshmi

..Petitioners/Accused 1 to 76

Vs.

1. State represented by
Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
(Crime No.357 of 2018)

..1st Respondent/Complainant

<https://hcservices.ecourts.gov.in/hcservices/>

2. Murugan

..2nd Respondent/Defacto Complainant



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PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the impugned FIR in Crime No.357 of 2018, dated 26.11.2018 pending on the file of the respondent No.1 and quash the same as illegal.

For Petitioners : Mr.T.Lajapathi Roy

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side).

2.The petitioners are working as primary school teachers. They had assembled on 26.11.2018 to protest against the issuance of certain Government Orders affecting their service conditions. In this regard, Crime No.357 of 2018 was registered on the file of the Soolakarai Police Station for the offences under Sections 143, 341 and 285 of IPC. The petitioners had earlier filed Crl.O.P.(MD)No.1840 of 2019. The same was allowed on 22.02.2019. The impugned FIR was quashed as regards the offences under Sections 143 and 285 of IPC. Section 341 of IPC was left intact. Therefore, this second petition has been filed for quashing the very same FIR.

3.The learned Government Advocate (Crl.side) opposed the prayer made in this petition by pointing out that one more petition cannot be filed on the same cause of action.

4.I carefully considered the rival contentions.

5.As rightly pointed out by the learned counsel appearing for the petitioner, the second quash petition is very much maintainable. The Hon'ble Supreme Court, in the decision reported in AIR 1975 SC 1002 (*Superintendent and Remembrance of legal affairs, West bengal Vs. Mohan Singh and others*), has held that the second petition for quashing is very much maintainable. Therefore, the maintainability of this petition cannot be in dispute.

6.The petitioner's counsel pointed out that the offence under Section 341 of IPC is punishable with simple imprisonment for a term which may extend to one month. The case was registered way back in 2018. Therefore, the final report should have been filed and cognizance taken within a period of one year from the date of cause of action.



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7. Therefore, applying the statutory mandate set out in Section 468 of Cr.P.C., the impugned FIR stands quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

//True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AKM/22.05.2020 /4P-3C/

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