



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.11845 of 2020
and
Crl.M.P. (MD) No.5451 of 2020

- 1.Rajan
- 2.Theiveerapandian
- 3.Loganathan
- 4.Manimaran
- 5.Naganathan
- 6.Barathiyar
- 7.Immanuvel Aparagam
- 8.Kannan
- 9.Krishnamoorthi
- 10.Ilamaran
- 11.Pandi
- 12.Raju
- 13.Ilangovan
- 14.Senthil
- 15.Subramanian
- 16.Govindha Ayyan
- 17.Muthaiah
- 18.Kumaresan
- 19.Selvaraj
- 20.Kesavan



21.Meenachisundaram

22.Pandiyan

: Petitioners/Accused Nos.1 to 22

Vs

State Rep. by
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
(In Crime No.309 of 2020)

: Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the impugned FIR in Crime No.309 of 2020 dated 22.05.2020 on the file of the respondent and to quash the same as illegal.

For Petitioners : Mr.SP.Vijay Nivas

For Respondent : Ms.S.E.Veronica Vincent
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioners are figuring as accused in Crime No.309 of 2020 registered on the file of the first respondent. The petitioners are the employees of the TNSTC, Kumbakonam. The petitioners had assembled together to lodge their protest against the extension of the working hours.

3.The case of the prosecution is that the petitioners did not get prior permission and that they had not followed the norms require to be followed during these pandemic times. However, FIR has been registered for the offences under Sections 269 and 188 of IPC.

4.The learned counsel appearing for the petitioners points out that registering FIR under Section 188 of IPC is not maintainable in view of the order dated 15.07.2020 made in Crl.O.P.(MD)No.10497 of 2020. The copy of the said order has been enclosed. It has been held that the police officer is not a competent person to register FIR under Section 188 of IPC. The said decision is squarely applicable to the case on hand. It is also noted that no untoward incident had occurred. No act of violence was committed.



5. Therefore, I am of the view that the continuance of the impugned prosecution is not warranted. In this view of the matter, the impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD) No.11845 of 2020
28.10.2020

PU(CO)
CS(05.11.2020) 3P 3C