



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P.(MD)No.13152 of 2020

and

Crl.M.P(MD) Nos.6007 & 6008 of 2020

1.P.Subburaj
2.R.Padmanatha
3.M.Kalai Udaiyar
4.M.Selvakumar
5.R.Srithar
6.S.Ramesh Kumar
7.M.Manickaraj

... Petitioners

Vs.

1.State Rep. by Special Sub Inspector of Police
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.41 of 2019)

2.Muthuvijayan,
Sub Inspector of Police
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge sheet in C.C.No.132 of 2019 on the file of the Judicial Magistrate Court No.II, Kovilpatti, Thoothukudi District, in Crime No.41 of 2019 dated 25.01.2019 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For 1st Respondent : Ms.S.E.Veronica Vincent
Government Advocate

O R D E R

This petition has been filed seeking to quash the FIR registered by the respondent police as against the petitioners for an offence under Sections 143, 341, 294(b), 353, 506(2) of IPC.



2.The FIR came to be registered on the ground that the accused persons had involved in conducting a protest near Kovilpatti Old Bus Stand without permission, by demanding for certain reliefs on behalf of JACTO-JIO.

WEB COPY

3.Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the first respondent.

4. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners along with 690 persons were only demanding for their lawful rights, this Court is of the considered view that the registration of an First Information Report is an abuse of process of law. The offence that is extracted in the FIR is not made out against the petitioners.

5. In the result, the Charge Sheet in C.C.No.132 of 2019 on the file of the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District in Crime No.41 of 2019 on the file of the first respondent police is quashed in so far as the petitioners are concerned and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rm

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 Judicial Magistrate No.II,
Kovilpatti, Thoothukudi District

2.The Special Sub Inspector of Police
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.



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

+1 CC to MR.T.LAJAPATHI ROY, Advocate (SR-22499[F] dated
23/11/2020)

CrI.O.P.[MD]No.13152 of 2020
20.11.2020

VB (04.12.2020) 3P 5C