



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.15032 of 2020

and

Crl.M.P(MD) No.7198 of 2020

Mr.M.Annadurai

Petitioner/Accused No.28

Vs.

1.The Inspector of Police,
Town North Police Station,
Dindigul District,
Dindigul.
Crime No.84 of 2019

Respondent No.1/Complainant

2.Mr.J.Mahesh
Sub-Inspector of Police,
Town North Police Station,
Dindigul District,
Dindigul.

Respondent No.2/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.84 of 2019 dated 29.01.2019 on the file of the respondent No.1 and quash the same as illegal as against the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For 1st Respondent : Mr.V.Neelakandan

Additional Public Prosecutor(Crl.side)

O R D E R

This petition has been filed to quash the FIR registered by the respondent police in Crime No.84 of 2019 dated 29.01.2019, as against the petitioner for the offences under Sections 143,341,353, 506(i) IPC and Section 7(1)(a) of Criminal Law Amendment Act, 2005.

2.The learned counsel for the petitioner would state that the allegation against the petitioner is that on 29.01.2019, the petitioner along with 49 other accused persons were participated in a protest against the ruling government in the name of JACTO JIO, Joint Action Council of Tamil Nadu Teachers Organization-Government



Employees Organization demanding their rights at Dindigul and they raised slogans against the Government and without obtaining the proper permission under Section 30(2) of the Police Act. On the basis of the complaint given by the second respondent, a case was registered against the petitioner and other persons by the first respondent in Crime No.84 of 2019 for the offences under Sections 143,341,353,506(i) IPC and Section 7(1)(a) of Criminal Law Amendment Act, 2005. The learned counsel would further state that on the face of FIR, it does not make out any offence and that the issue in the present case is covered by the decisions of this Court in Jeevanantham vs. State reported in 2018 (2) K.W. (Cr1) 606.

3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would state that the petitioner along with 49 other accused persons were participated in a protest against the ruling government in the name of JACTO JIO, without obtaining proper permission under Section 30(2) of the Police Act and caused disturbance to the free flow of public and he would fairly state that no violence or untoward incident had taken place.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the 1st respondent.

5.In the decision relied on by the petitioners reported in 2018 (2) K.W. (Cr1) 606, Jeevanantham vs. State, this Court has held as follows:-

'In all the cases, the assembly of persons were made to express dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a ordinary citizen. If such an assembly of persons are to be trifled by registering an FIR under Section 143 of IPC and filing a final report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution.'

6.The above judgment is squarely applicable to the present facts and circumstances of the case. Though, there are *prima facie* materials to justify the registration of the First Information Report, I am of the view that its continuance is not warranted. This is because no untoward incident had taken place. Since the protest was conducted in a peaceful manner and even the First Information Report does not disclose any act of violence or happening of untoward incident, I am of the view that the continued prosecution is not warranted. Quashing the same will secure the ends of justice.

7.Accordingly, the impugned F.I.R in Crime No.84 of 2019, the first respondent police is quashed and the



Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

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,
Town North Police Station,
Dindigul District,
Dindigul.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.T.Lajapathi Roy, Sr.Mo.26286 dated 18/12/2020

Crl.O.P. (MD) No.15032 of 2020
and
Crl.M.P (MD) No.7198 of 2020
17.12.2020

NA (CO)

KB (03.02.2021) 3P 4C