



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD).No.15614 of 2020
and
Crl.M.P(MD).No.7643 of 2020

- 1.P.Srinivasagan
wrongly mentioned in FIR as Seenuvasan
- 2.D.Gnanasekaran
wrongly mentioned in FIR as Gnasekaran
... Petitioners/Accused Nos.2 & 3
- vs.
1. The Inspector of Police
Thallakulam Police Station
Madurai City
Madurai
(Crime No.156 of 2019) ...Respondent No.1/Complainant
2. Mr.Loganathan
Special Sub Inspector of Police
Thallakulam Police Station
Madurai City
MaduraiRespondent No.2/Defacto Complainant

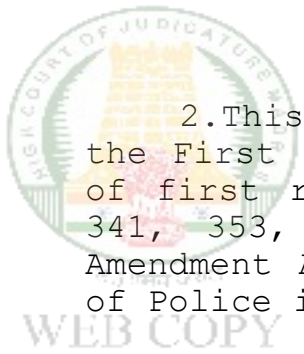
Prayer : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.156 of 2019 dated 25.01.2019 on the file of the respondent no.1 and quash the same as illegal as against the petitioners alone.

For Petitioners : Mr.T.Lajapathi Roy

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

Heard, the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor (Criminal side) appearing for the first respondent.



2.This Criminal Original Petition has been filed for quashing the First Information Report in Crime No. 156 of 2019, on the file of first respondent police station registered under Sections 143, 341, 353, 505(1)(b) I.P.C and Section 7(1)(a) of Criminal Law Amendment Act, 2005. The second respondent / Special Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 25.01.2019, the petitioner along with 25 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 demanded their rights at Madurai and raised slogans against the Government.

4.The case of the respondent is that the petitioners by their acts had committed public nuisance. They had also caused interference with the free flow of general traffic.

5.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. The country had witnessed protests all over by different sections of people against the said amendments. Since the protest was peaceful 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 F.I.R in Crime No.156 of 2019 will secure the ends of justice.

6.Hence, the impugned F.I.R in Crime No.156 of 2019 stands quashed. The Criminal Original Petition stands allowed. The benefit of this order will enure not only for the petitioner but also the non-petitioning accused. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

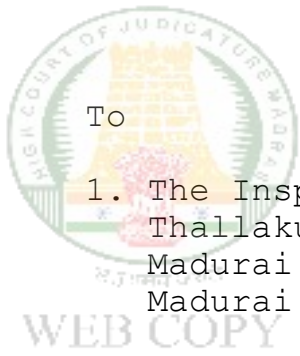
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/ /2021

Sub Assistant Registrar(CS)

msa

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,
Thallakulam Police Station,
Madurai City,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1cc to Mr.T.Lajapathi Roy, Advocate, SR.No.27167.

ORDER MADE IN
Crl.O.P. (MD) .No.15614 of 2020
and
Crl.M.P (MD) .No.7643 of 2020
23.12.2020

SSS (CO)
CS (08.01.2021) 3P 4C