



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.15448 of 2020

and

Crl.M.P (MD) .No.7519 of 2020

WEB COPY

- 1.M.Prabakaran
- 2.M.Arockia Raj
- 3.S.Jeyamurugan
- 4.N.Mani
- 5.A.Azhakumani
- 6.S.Saravanan
- 7.X.Arockia Peeter Kanagaraj
- 8.M.Sahaya Thainese
- 9.T.Santhiyagu
- 10.M.Antony Amal Raj
- 11.S.Arul Mozli Selvan
- 12.K.Chandra Sekar
- 13.P.Amala Xavier
- 14.K.Palanichamy

...Petitioners/Accused Nos.4, 9 to
15, 18, 27, 29 to 31 and 36

Vs

- 1.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(In Crime No.49 of 2019) ...1st Respondent/Complainant

- 2.Boominathan ...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.49 of 2019 dated 28.01.2019 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

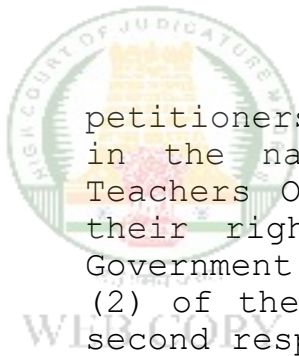
For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.V.Neelakandan
	Additional Public Prosecutor (Crl.side)

O R D E R

This petition has been filed to quash the FIR registered by the respondent police in Crime No.49 of 2019 dated 28.01.2019, as against the petitioners for the offences under Sections 147, 143, 341, 353, 290 and 506(ii) IPC.

2.The learned counsel for the petitioners would state that the allegation against the petitioners is that on 28.01.2019, the

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petitioners 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 Sivagangai and they raised slogans against the Government and without obtaining 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 petitioners and other persons by the first respondent in Crime No.49 of 2019 dated 28.01.2019, for the offences under Sections 147, 143, 341, 353, 290 and 506(ii) IPC. 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. (Crl) 606.

3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would state that on 28.01.2019, the petitioners 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 petitioners 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. (Crl) 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. The country had witnessed protests all over by different sections of people against various amendments. 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.49 of 2019, on the file of the first respondent police is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

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

Crl.O.P(MD)No.15448 of 2020

22.12.2020

(NA) CO

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