



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.15316 of 2020

and

Crl.M.P. (MD) No.7421 of 2020

1.S.Palanikumar @ Pazhanikumar
2.T.Murugan
3.S.Gunasekaran
4.A.Chandrasekar
5.R.Manimaran
6.K.Ramaiyah
7.K.Ilanchurian @ Ilansooriyan
8.S.Sahayaraj
9.A.Anbunathan
10.T.Vadivel
11.R.Lenin
12.G.Rengasamy
13.T.Vinothraja
14.G.Rajendran
15.P.Ramasubramaniyan
16.R.Kathiresan
17.M.Ravichandran
18.A.Palkan
19.P.Naveethakrishnan
20.K.Rajendran
21.A.Arunprasath
22.C.Chandran
23.L.Antonysamy
24.M.Chankaranarayanan .. Petitioners/Accused Nos.3,7,8,
16,21,23 to 26, 28, 32 to 35, 37 to 42, 44 to 47

Vs

1. The State of Tamil Nadu
Rep. By The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(In Crime No.49 of 2019) .. 1st Respondent/Complainant



2. Boominathan,
Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

..2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the impugned First information report in Crime No.49 of 2020 under Sections 147, 143, 341, 290, 353 and 506(2) of IPC, dated 28.01.2019 on the file of the respondent no.1 and quash the same as illegal in so far as the petitioners/Accused Nos.3,7,8,16,21,23 to 26, 28, 32 to 35, 37 to 42, 44 to 47.

For Petitioner

: Mr.I.Pinaygash

For R1

: Mr.V.Neelakandan

Additional Public Prosecutor (Crl.side)

O R D E R

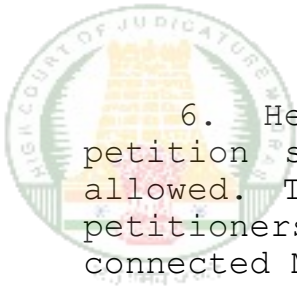
Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

2.This Criminal Original Petition has been filed to quash the impugned First Information Report in Crime No.49 of 2019, on the file of the respondent No.1 police station. The Second respondent/Sub Inspector of Police is the defacto complainant.

3.The gist of the First Information Report is that on 28.01.2020 at about 08.00 pm, the petitioner along with others had conducted a demonstration for certain statutory right of claiming pension reverting to the Old Pension Scheme. Hence, the first respondent police has registered Crime No.49 of 2020 on 28.01.2020 under Sections 147, 143, 341, 290, 353 and 506(2) IPC.

4.The learned Additional Public Prosecutor would submit that there is no untoward incident had taken place and the issue involved in this case is a covered matter.

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. 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 same will secure the ends of justice.



6. Hence, the First Information Report impugned in this petition stands quashed. The Criminal Original Petition stands allowed. The benefit of this order will enure not only for the petitioners but also the non-petitioning accused. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// 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.15316 of 2020
21.12.2020

KG (CO)
CS (25.01.2021) 3P 3C