



WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.15460 of 2020

and

Crl.M.P (MD) .No.7526 of 2020

A.Selvaraj

...Petitioner/Accused No.12

Vs

1.State rep., by

The Inspector of Police,
Theppakulam Police Station,
Madurai City.

(In Crime No.98 of 2018)

..1st Respondent/Complainant

2.F.Kumari

..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.98 of 2018 dated 29.01.2018 for offences under Sections 143, 188 of Indian Penal Code and 7(1)(a) Criminal Law Amendment Act, 2005 pending on the file of the first respondent and quash the same as illegal as against the petitioner alone.

For Petitioner : Mr.J.Pandi Dorai

For R1

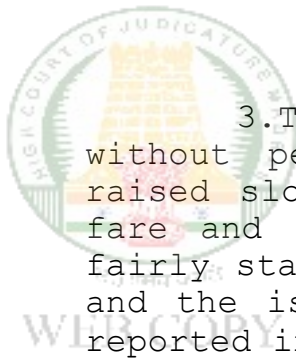
: Mr.V.Neelakandan

Additional Public Prosecutor (Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the impugned First Information Report in Crime No.98 of 2019, on the file of the respondent No.1 police station.

2.The allegation in the First Information Report is that on 29.01.2018, the petitioner along with others had gathered before Thiagarajar College and raised slogans against the Government raising bus fare. In the complaint of the second respondent/Sub-Inspector of Police, a case in Crime No.98 of 2018 has been registered against the petitioner/A12 and 16 others for the offences under Sections 143 and 188 IPC and Section 7(1)(a) of the Criminal Law Amendment Act, 2005.



3.The learned Additional Public Prosecutor would submit that without permission, the petitioner and others had gathered and raised slogans against the Government for having raised the bus fare and therefore, the above FIR came to be lodged. He would fairly state that no untoward incident or violence had taken place and the issue involved in this case is a covered by the judgment reported in **2018(2) LW (Cr1) 606**.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent Police.

5.If assembly of persons who made protest expressing dissatisfaction of the governance and claiming for minimum rights that are guaranteed to an ordinary citizen, are to be trigled by registering an FIR under Section 143 IPC, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution, which has been echoed in the decision reported in **2018(2) LW (Cr1) 606** in the case of **Jeevanantham Vs., State**.

6.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 and therefore, quashing of the FIR will secure the ends of justice.

7.Accordingly, the First Information Report in Crime NO.98 of 2018 on the file of the first respondent is quashed and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// 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,
Theppakulam Police Station,
Madurai District.

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

+1cc to Mr.J.Pandi Dorai, Advocate Sr.No.27125

Crl.O.P(MD)No.15460 of 2020

NR (10/02/2021) 3P : 4C