

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.347 of 2021
and Crl.M.P No.170 of 2021

P.Thangaraj

Petitioner

vs.

1. The Inspector of Police,
Erode North Police Station,
Erode & District.
(Crime No.85 of 2019)

2. M.Shankar

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First information report in Cr.No.85 of 2019 dated 25.01.2019 on the file of the respondent No.1 and quash the same as illegal as against the petitioner alone.

For Petitioners: Mr.T.Lajapathi Roy

For Respondents: Mr.C.Raghavan

Government Advocate for R1

ORDER

This petition has been filed seeking to quash the FIR registered by the respondent police as against 30 persons for an offence under Sections 505(1)(b), 505(1)(c), 341, 353, 153, 290, 504, 151 and 506(1) of IPC and Section 7(1)(a) of Criminal Law Amendment Act, 2005.

2.The FIR came to be registered on the ground that the accused persons had involved in conducting a protest near the bus stand, without permission, by demanding for certain reliefs on behalf of JACTO-GEO.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of the respondent police.

4.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner and the other accused persons were only demanding for their lawful rights, this Court is of the considered view that the registration of an

FIR is an abuse of process of law. The offence that is extracted in the FIR is not made out against the petitioner.

5. In the result, the FIR in Crime No.85 of 2019, on the file of the 1st respondent police, is quashed in so far as the petitioner is concerned and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

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To

Sub Assistant Registrar

1. The Inspector of Police,
Erode North Police Station,
Erode & District.
2. The Public Prosecutor,
High Court, Madras.

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RSV(CO)
rv(03/02/2021)



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