

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2583 of 2021

and

Crl.M.P.No.1401 of 2021

Rajendracholan

...Petitioner

Vs.

1. State Rep. By its
The Inspector of Police
Thiruthraipoondi Police Station
Thiruvarur District.
(Cr.No.423 of 2017)

2. S.Ravichandran
The Inspector of Police
Thiruthraipoondi Police Station
Thiruvarur District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in FIR registered in Crime No.423 of 2017 dated 24.09.2017, pending investigation on the file of the respondent police and quash the same.

For Petitioner : Mr.M.Jaikumar

For Respondents : Mr.C.Raghavan for R1
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R in Crime No. 423 of 2017 registered by the respondent police.

2. The petitioner has been arrayed as A16 in the FIR. The allegations made in the complaint is to the effect that a group of persons belonging to a party joined together headed by A1 and started shouting slogans and bursting crackers and expressing support for a particular caste. It is further alleged that this unlawful assembly was formed inspite of a prohibitory order in force. The further allegation is that the accused persons prevented the public servants from performing

their duty and the type of slogans that were made during the agitation, had the propensity of causing a communal hatred.

3. The learned counsel for the petitioner mainly urged two grounds to substantiate his submissions that the FIR cannot be sustained against the petitioner. The first ground urged by the learned counsel for the petitioner is that the offence for which the FIR has been registered is maximum punishable for three years and the limitation period has already expired under Section 468 of Cr.P.C and therefore, no final report can be laid by the respondent police. The second ground that was raised by the learned counsel for the petitioner is that there are absolutely no materials to rope-in the petitioner as an accused person and the complainant in this case had also conducted the investigation and the entire prosecution is an abuse of process of law.

4. Per contra, Mr.C.Raghavan, learned Government Advocate, appearing on behalf of the respondent police submitted that the petitioner and 17 others had involved in carrying out an agitation in violation of the prohibitory order and causing serious disturbance to the discharge of duties by public servants and also attempted to cause disturbance to the public harmony by raising slogans in favour of a particular community.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. In the considered view of this Court, the offences under Sections 143, 186, 188 of IPC, cannot be sustained against the petitioner and law on this issue has been laid down in Jeevanandham and others Vs. State Rep. by Inspector of Police and another, reported in (2018) 2 LW CrL. 606.

7. Insofar as the offences under Sections 353 and Section 153A(i)(b) of IPC are concerned, this Court does not find any material or allegations in the complaint to sustain these offences and there is absolutely no specific overtact attributed against the petitioner. It is more than 3-1/2 years since the FIR was registered and there is absolutely no progress in the investigation and no purpose will be served in keeping the FIR pending as against the petitioner.

8. In view of the above, the FIR in Crime No.423 of 2017 pending investigation on the file of the respondent Police shall stand quashed insofar as the petitioner is concerned.

9. This Criminal Original Petition is allowed accordingly.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

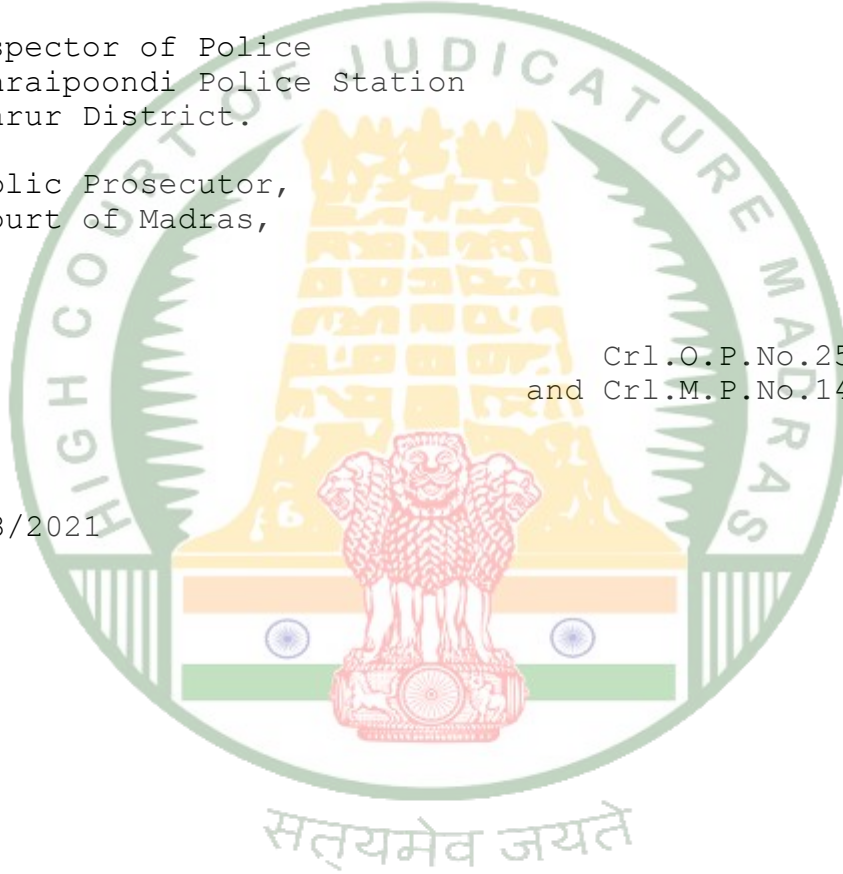
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To

1. The Inspector of Police
Thiruthraipoondi Police Station
Thiruvarur District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P.No.2583 of 2021
and Crl.M.P.No.1401 of 2021

GPL(CO)
KKV/18/03/2021



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