

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.19577 of 2020
and
CrI.M.P.No.7651 of 2020

R.Kamarasu

...Petitioner

Vs.

State Rep by its
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Cr.No.424 of 2017)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the proceedings in Crime No.424 of 2017 pending on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.C.Raghavan
Government Advocate
(CrI. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.424 of 2017 registered by the respondent Police.

2. The petitioner has been arrayed as A12 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 to perform 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 crossed 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 the accused person and the complainant in this case had also conducted the investigation and the entire prosecution is an abused of process of law.

4. Per contra, Mr.C.Raghvan, learned Government Advocate, appearing on behalf of the respondent Police submitted that the petitioner and 17 others had involved in carrying out with an agitation in violation of the prohibitory order and causing serious disturbance to the discharge of duties by the 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 offence under Sections 143, 186, 188 of IPC, cannot be sustained against the petitioner and law on his 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 Section 353 and Section 153A(i)(b) of IPC, this Court does not find any material or necessary allegations to sustain these offences and there is absolutely no specific overt act attributed against the petitioner. It is more than 3 ½ 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-III)

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Sub Assistant Registrar

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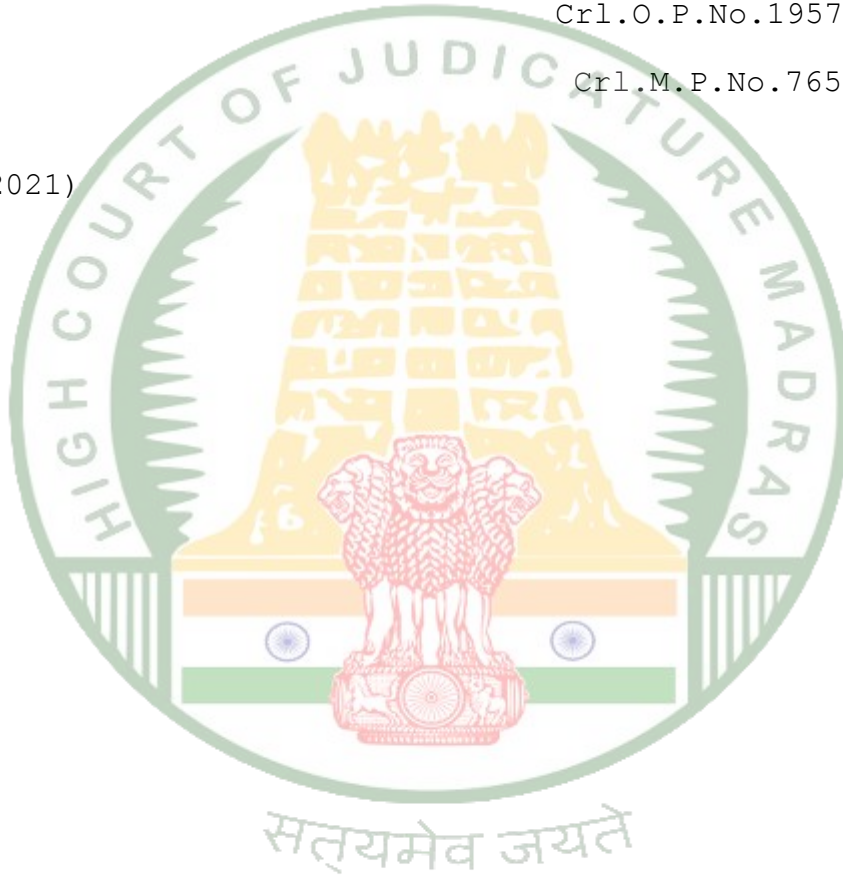
To

1.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvavarur District.

2.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.19577 of 2020
and
CrI.M.P.No.7651 of 2020

MP (CO)
CB (03/02/2021)



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