



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 21997 of 2021

and

Crl.M.P.No.11932 of 2021

1. K. Madhavan

2. Purusothaman

...Petitioners/Accused 7 & 8

Versus

The Inspector of Police,

Thiruthuraipoondi,

Tiruvarur District.

Crime No.424 of 2017

...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records connected to the Crime No.424/2017 on the file of the respondent police and quash the same.

For Petitioners : Mr.S.Sekar

For Respondent : Mr.R.Vinothraja
Govt. Advocate (Crl.Side)

ORDER

Seeking to quash the Crime No.424 of 2017, which was registered against the offences under Sections 143, 186, 188, 353, 153A (1)(b) of IPC, the petitioners, who are arrayed as A.7 and A.8, has approached this Court by way of this present petition.

2. The petitioners are arrayed as A.7 and A.8 in Crime No.424 of 2017. The allegations made in the complaint is to the effect that a group of persons belonging to a party joined together headed by A.1 and started shouting slogans and bursting crackers and expressing support of 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. Earlier, the present crime number was quashed in so far as A.12 is concerned and the operative portion of the order reads as follows:-

" 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 this issue has been laid down in Jeevanandham and others Vs. State rep. By Inspector of Police and another reported in (2018) 2LW Cr1 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 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.

4. In the light of the above, since the Crime No.424 of 2017 is quashed, as against A.12, in Cr1.O.P.No.19577 of 2020, on 07.01.2021 and the petitioners, who are arrayed as A.7 and A.8 also stand on the same footing, this Court is inclined to quash the Crime No.424 of 2017 in so far as the petitioners / A.7 and A.8 are concerned.

5. This Criminal original Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



sp / ssd

To

1. The Inspector of Police,
Thiruthuraipoondi,
Tiruvarur District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sekar, Advocate, S.R.No.62922

Crl.O.P.No. 21997 of 2021
and

Crl.M.P.No.11932 of 2021

NRL[co]
NSK 14/12/2021