



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

WEB COPY

Crl.O.P.(MD)No.4732 of 2021

and

Crl.M.P.(MD) No.2679 of 2021

- 1.Sasikala
- 2.T.Selvaraj (incorrectly mentioned in the FIR as selva)
- 3.K.Rajeswari
- 4.M.Chellam
- 5.G.Balamurugan
- 6.R.Latha
- 7.J.Jeyarani
- 8.M.Jenni
- 9.P.Yamuna
- 10.Danya
- 11.J.Elisapath Rani
- 12.V.Banumathi
- 13.M.Karthik
- 14.A.Pavel Sindhan
-(incorrectly mentioned in the FIR as shavalsidthan)
- 15.S.Bala @ Balavelan
- 16.S.Saranraj (incorrectly mentioned in the FIR as saran)
- 17.C.Manikandan
- 18.P.Balasingam
- 19.M.Rajendran
- 20.A.Naveenkumar
- 21.G.Gowtham (incorrectly mentioned in the FIR as Howtham)
...Petitioners 1 to 21/Accused 1 to 21
- 22.S.Chandrabose
- 23.S.Velthevar
- 24.A.Meenakshi Sundaram (incorrectly mentioned in the FIR as
Meenachi Sundaram)
- 25.A.Bony Face (incorrectly mentioned in the FIR as Ponibesh)
- 26.CV.Chandru (incorrectly mentioned in the FIR as Chanthuru)
- 27.M.Dilipan (incorrectly mentioned in the FIR as Dhiliphan)
... Petitioners 22 to 27/Accused 23 to 28)

Vs.

- 1.The State through
The Sub-Inspector of Police,
Thallakulam Police Station,
Madurai District.
(Crime No.227 of 2021)
... 1st Respondent/Complainant



2.G.Pulikutti Ayyanar

... 2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.227 of 2021 dated 05.03.2021 on the file of the first respondent police for offences under Section 151 Cr.P.C. and 352 of IPC and quash the same as against the petitioners.

For Petitioners : Mr.J.Pandi Dorai

For 1st Respondent : Mr.A.Robinson
Government Advocate (Criminal side)

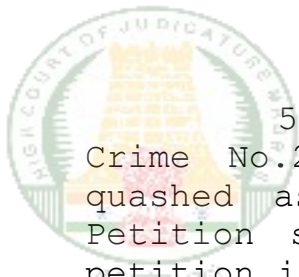
ORDER

The present petition is filed by the petitioners under Section 482 of the Code of Criminal Procedure, to quash the First Information Report in Crime No.227 of 2021 of Thallakulam Police Station, Madurai District.

2.A perusal of the First Information Report shows that on 05.03.2021 at about 11.25 a.m., when the Sub-Inspector of Police (1st respondent), Thallakulam Police Station, along with his men was on escort duty at the Collector's Office, they found the petitioners along with others protesting for arrest and Departmental action against Mr.Rajesh Das (Indian Police Service), for outraging the modesty of his colleague (Indian Police Service Officer) and also for taking into custody of one English Teacher at Velli Veethiyar Corporation Girls Higher Secondary School by name Mr.Vijay and raised slogans. According to the complainant, the Sub-Inspector of Police, Natham Police Station, the petitioners and others by their act had not only committed public nuisance, but also caused hindrance to the free flow of vehicular traffic on the road.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, on instructions, would contend that the investigation in Crime No.227 of 2021 of Natham Police Station, is pending.

4.It is to be pointed out that no untoward incident had taken place. The petitioners have organized the protest and the First Information Report does not disclose any act of violence. Moreover, a protest is a constitutional right as long as it does not destroy property or endanger life.



5.In the circumstances, the First Information Report in Crime No.227 of 202 on the file of the first respondent, is quashed as against the petitioners and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Sub-Inspector of Police,
Thallakulam Police Station,
Madurai District.

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

+1 CC to M/s.J.PANDI DORAI, Advocate
(SR-14506[F] dated 30/03/2021)

Crl.O.P.(MD)No.4732 of 2021
29.03.2021

rmk

nsv (24.04.2021) 3P 4C