



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.14962 of 2021

WEB COPY

1. Thensingham
2. Velsingham
3. Devan
4. Janarthanan
5. Abishek
6. Abinesh
7. Sasitharan
8. Hariharan
9. Vimal
10. Murugan
11. Prakash
12. Ayyar
13. Mayil
14. Pandeewaran
15. Arul
16. Muthishwaran
17. Senthamil Selvan
18. Athiveerapandiyan

... Petitioners / Accused 1 to 18

Vs.

The State rep. By,
The Sub Inspector of Police,
Chinnamanur police station,
Theni District.

(Crime No.136 of 2021)

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the First Information Report in Crime No.136 of 2021 dated 23.03.2021 on the file of the Sub Inspector of Police, Chinnamanur police station, Theni District and quash the same as against the petitioners.

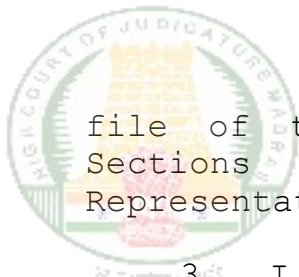
For Petitioners : Mr.K.Surendran
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

ORDER

Heard the learned counsel on either side.

2. This criminal original petition has been filed to quash the First Information Report in Crime No.136 of 2021 registered on the <https://hcservices.ecourts.gov.in/hcservices/>



file of the respondent police station for the offences under Sections 143, 341 and 269 of I.P.C. and Section 125 of Representation of the People Act, 1951.

3. I went through the contents of the impugned First Information Report. All that it alleges is that the petitioners herein had assembled near the water tank in Oothupatti in violation of the prohibitory orders that were issued during the Covid-19 pandemic. The petitioners did not wear any mask and also did not follow the social distancing norms. It further reads that the petitioners were found raising slogans that the Government had not done anything good for their community.

4. It is not the case of the prosecution that the petitioners indulged in any act of violence. The petitioners did not spread the disease. It is relevant to note that during the relevant time, election campaign was being conducted. Therefore, it is quite natural that the petitioners had assembled for voicing the grievances of their community. The petitioners conducted themselves in a democratic manner. Therefore, continuance of the impugned prosecution is absolutely unwarranted. The impugned First Information Report is quashed. This criminal original petition is allowed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
Chinnamanur police station, Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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