



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P. (MD)No.15667 of 2021

and

Crl M.P. (MD)Nos.8437 & 8440 of 2021

WEB COPY

- 1.Vetrivel
- 2.Pandi
- 3.Chandrakumar
- 4.Alagarsamy
- 5.Radhakrishnan
- 6.Gopalraj
- 7.Muthu Thandavan
- 8.Senthil Sangaranarayanan
- 9.Muruganantham
- 10.Suresh

... Petitioners/Accused No.1-4, 6-8, 11-12

Vs.

The State through,
Inspector of Police,
Aruppukotai Town Police Station,
Aruppukotai,
Virudhunagar District.

... Complainant/Respondent

Prayer : This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to S.T.C.No.97 of 2019 on the file of the Judicial Magistrate Court, Aruppukkotai, Virudhunagar District and quash the same against the petitioners.

For Petitioners : Mr.R.Murugappan
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

2.The petitioners are facing trial in S.T.C.No.97 of 2019 on the file of the Judicial Magistrate Court, Aruppukkotai, Virudhunagar District for the offences under Sections 143, 285 and 290 of IPC. The case of the prosecution is that on 27.06.2017 at about 05.00 pm, the petitioners who are members of a political party attempted to burn the effigy of the editor of a magazine. This petition has been filed to quash the said prosecution.

3.It is seen that the petitioners are members of Bharatiya Janata Party. The Hon'ble Prime Minister was portrayed in an



indecent manner in the cover page by the Tamil magazine "Nakkeeran". The petitioners felt offended and to show their protest resorted to burning the effigy of the editor of the magazine Thiru.Gopal. The editor is well within his rights to lampoon the Hon'ble Prime Minister. There can be no quarrel on this. Likewise, the petitioners are equally well within their rights to burn the effigy of the editor. Effigy burning as such is not an offence (vide 2015 (3) L.W 528). There is nothing on record to show that the petitioners acted in a manner to endanger human life or in a manner likely to cause hurt or injury. The petitioners have protested in a democratic manner. It cannot constitute an offence. None of the ingredients of the offences with which the petitioners have been charged are present. Even if the case of the prosecution is taken at its face value, no offences are made out. Courts cannot be burdened with such meaningless cases. Continuance of the impugned prosecution will amount to an abuse of legal process. To secure the ends of justice, the impugned prosecution stands quashed. This criminal original petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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 Inspector of Police,
Aruppukotai Town Police Station,
Aruppukotai,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(30.11.2021) 2P 3C

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