



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No. 15279 of 2021

and

Crl.M.P. (MD)No.8203 of 2021

WEB COPY

1.M.Muniyasamy

2.G.Maduraichamy

3.P.Dhanasekaran

4.Manoj Kumar

... Petitioners/
Accused Nos.7,8,13 & 26

Vs.

1.The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.
(Crime No.1711 of 2017)

... 1st Respondent/ Complainant

2.M.Rajkumar

... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to FIR in Crime No.1711 of 2017 dated 07.09.2017 on the file of the first respondent and quash the same.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R1

ORDER

Heard the learned Counsel for the petitioners and learned Additional Public Prosecutor for the first respondent.

2.This Criminal Original Petition has been filed to quash the FIR in Crime No.1711 of 2017 registered on the file of the Inspector of Police, Thallakulam Police Station, Madurai. The case of the prosecution is that on 07.09.2017 at about 01.00 p.m, the petitioners herein assembled near the Madurai Corporation Office and raised slogans condemning the State and Central Governments. They voiced their protest against the holding of NEET. Since the petitioners have not obtained any prior permission, they were



detained and taken to the local Police Station. They were taken in the Police van. According to the prosecution, the petitioners tore away the seats of the police vehicle bearing Registration No.TN-59-G-0636. It is stated further that the value of damage would be around Rs.3,000/- (Rupees Three Thousand only). I would not fault the first respondent for having registered the FIR. Now, the question is whether the prosecution should be allowed to continue. The FIR was registered wayback on 07.09.2017. We are now in December, 2021. More than four years have elapsed. Admittedly, no final report has been filed. There is absolutely no justification in keeping the case at the FIR stage for so long time. I am conscious that the delay in filing the final report cannot be a ground for quashing the impugned proceedings. However, I have to bear in mind two relevant aspects. During the relevant time, Tamil Nadu witnessed large scale protests against NEET because a candidate, by name, Anitha committed suicide. The petitioners were law students and they also felt impelled to join the protest. The petitioners have agreed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Administrative Officer, Office of the Commissioner of Police, Madurai City.

3. According to the petitioners, they did not damage any public property. Without prejudice to their contentions, they are willing to make good the loss claimed by the police. In view of these two aspects, I am of the view that continuation of the impugned prosecution is not warranted. Recording the undertaking given by the petitioners to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Administrative Officer, Office of the Commissioner of Police, Madurai City within a period of four weeks from the date of receipt of copy of this. The said payment shall be paid by way of cash with an application enclosing this order. The Administrative Officer thereafter shall deposit the same in the following head of account :

"0055-00 Police 103 Feesh, Fines and
Forfeiture AC Compensation received towards
vehicles met with accident
(DPC-0055-00-103-AC-0007)"

The impugned FIR stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

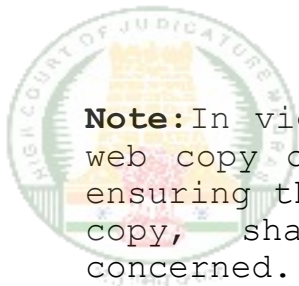
Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga



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.

WEB COPY

To

1.The Administrative Officer,
Office of the Commissioner of Police, Madurai City.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai City, Madurai.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-37884[F] dated
09/12/2021)

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RD(31.12.2021) 3P 5C