



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No. 17645 of 2021

and

Crl.M.P. (MD)No.9601 of 2021

WEB COPY

Kan.Ilango

... Petitioner/Accused No.1

Vs.

- 1.The State represented by
The Inspector of Police,
Rameshwaram Town Police Station,
Rameshwaram, Ramanathapuram District.
(Crime No.136 of 2018) ... 1st Respondent/Complainant
- 2.The Commissioner,
Rameshwaram Municipality,
Rameshwaram,
Ramanathapuram District.
(R2 name is deleted vide order dated
10.12.2021 in Crl.O.P.(MD)No.17645 of 2021)
... 2nd Respondent/Defacto Complainant

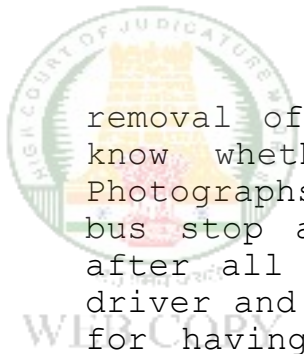
Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR in Crime No.136 of 2018 on the file of the Respondent No.1 Police for alleged offences under Sections 143, 353, 341 IPC and Section 3(1) of TNPPDL Act and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.T.Thirumurugan
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R.1
Mr.M.Kannan for R.2

ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned standing counsel appearing for the Rameshwaram Municipality.

2. This Criminal Original Petition has been filed to quash the FIR in Crime No.136 of 2018 registered on the file of first respondent for the offences under Sections 143, 353, 341 IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. It is seen from the contents of the FIR, that the petitioner along with the other accused conducted a protest for the



removal of Auto stand and construction of bus stop. I wanted to know whether bus stop and bus shelters have been put up. Photographs have been produced before me today. It is seen that a bus stop and bus shelter has already come up. The petitioners after all had only projected the grievance of the affected Auto driver and nothing else. While I may not fault the first respondent for having registered the FIR, the continuance of the impugned prosecution is absolutely unnecessary. Though more than 3 ½ years have elapsed, till date the case has not been taken on file. Therefore, in the interest of justice, I quash the impugned FIR. This Criminal original Petition is allowed. The benefit of this order will enure to the non petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

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.

To

- 1.The Inspector of Police,
Rameshwaram Town Police Station,
Rameshwaram,
Ramanathapuram District.
- 2.The Commissioner,
Rameshwaram Municipality,
Rameshwaram,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.17645 of 2021

10.12.2021

USK (29.12.2021) 2P 4C

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