



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.17957 of 2021

A.Muniadhas ... Petitioner/Accused No. not known
vs.

1.The State represented by
The Inspector of Police,
Pazhavor Police Station,
Radhapuram Taluk,
Tirunelveli District - 627114.
(In Crime No.238 of 2020) ... 1st Respondent/Complainant

2.P.Libi Paulraj ... 2nd Respondent/
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C,
to call for the entire records pertaining to the impugned FIR in
Crime No.238 of 2020 on the file of the first respondent and quash
as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

O R D E R

This Criminal Original Petition has been filed for quashing
the FIR in Crime No.238 of 2020 registered on the file of the first
respondent for the offences under Sections 143 and 269 IPC.

2. The petitioner and others are the members of the political
party. On 01.11.2020, they had assembled to voice their protest for
not constructing a Government Hospital at the allotted site. The
case of the prosecution is that without getting prior permission,
such agitation was conducted. It is also stated that though the
pandemic was at its peak, the petitioner and others have conducted a
meeting in violation of the breach of lock down conditions.

3. I do not fault the first respondent for registering the FIR.
The question is whether the prosecution should be allowed to
continue. The petitioner is a member of the political party. They
have only raised a legitimate public issue. As a result of the
petitioner's conduct, no adverse consequence ensued. The accused has



not indulged in any act of violence. I am therefore of the view that continuation of the impugned prosecution is not warranted. FIR stands quashed. The Criminal Original Petition is allowed. The benefit of this order will enure to the non-petitioning accused also.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/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 Judicial Magistrate,
Valliyoor.
Tirunelveli District.
- 2.The Inspector of Police,
Pazhavor Police Station,
Radhapuram Taluk,
Tirunelveli District - 627114.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-36121[F] dated 26/11/2021)

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PS (CO)

GC(30.11.2021) 2P 5C