



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P.(MD)No. 18504 of 2021
and
Crl M.P.(MD)No.10205 of 2021

Susila

... Petitioner/Accused No.1

Vs.

1.The State represented by
The Inspector of Police,
Trichy City Police Station,
Trichy District.
(Crime No.561 of 2021) ... 1st Respondent/Complainant

2.Mathiyalagan,
Sub Inspector of Police,
Trichy City Police Station,
Trichy District. ... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.561 of 2021 on the file of the first respondent and quash the same.

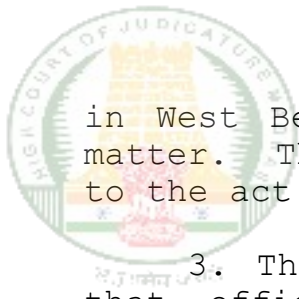
For Petitioner : Mr.M.Karunanithi

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

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.561 of 2021 registered on the file of the first respondent for the offences under Sections 341, 269, 270, 285, 290 IPC, Section 3 Epidemic Diseases Act, 1897, Section 134(1)(a) and 135 Tamil Nadu Public Health Act, 1939 and Section 51(b) The Disaster Management Act, 2005.

2. The petitioner is figuring as first accused. The case of the prosecution is that under the leadership of the petitioner, a group of members belonging to a student organization known as ABVP, had burnt the effigy of Hon'ble Chief Minister of West Bengal. This Court can take judicial notice of the fact that after the conclusion of the recent Assembly Elections, post-poll violence was witnessed



in West Bengal. The Hon'ble Supreme Court is also seized of the matter. The accused in order to express their protest had resorted to the act of burning of the effigy.

3. The Hon'ble Division Bench of this Court has already held that effigy burning by itself is not an offence. Therefore, registration of the FIR is bad in law. The FIR is quashed in *toto*. This Criminal Original Petition is allowed. The benefit of this order will enure for the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

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Sub Assistant Registrar(CS)

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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,
Trichy City Police Station,
Trichy District.

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

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-37660[F]
dated 07/12/2021)

CrI O.P.(MD)No.18504 of 2021
and
CrI M.P.(MD)No.10205 of 2021
06.12.2021

PK(CO)
TR(17.12.2021) 2P 4C