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CRL.O.P.(MD)NO.19220 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

Cr1.O.P.(MD)No.19220 of 2021 and

CRL.M.P.(MD)No.10718 of 2021

Murugan

... Petitioner / Accused No.1

Vs.

State rep. By,

1. The Inspector of Police,  
Sankarankovil Town police station,  
Tirunelveli District.  
(Crime No.760 of 2020)

... 1<sup>st</sup> Respondent / Complainant

2. Rajagopal

... 2<sup>nd</sup> Respondent /  
Defacto Complainant

**Prayer:** Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.760 of 2020 dated 25.12.2020 on the file of the first respondent and quash the same as against the petitioner / accused No.1 is concerned.

For Petitioner : Mr.C.Susi Kumar  
For R-1 : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.

\* \* \*

### O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed to quash the First Information Report in Crime No.760 of 2020 registered on the file of the first respondent for the offences under Sections 143, 283 and 270 of I.P.C.

3. The case was registered in the wake of road roko held by the petitioner along with others. The accused felt agitated by some remarks made by on one of the State Cabinet Ministers ostensibly offending the sentiments of a particular community.

4. I will not fault the first respondent for having registered the First Information Report. Admittedly, the lock down restrictions were violated. But now the question is whether the prosecution should be allowed to continue. It is not the case of the respondent



police that the accused contributed to spread of the disease. In a democratic society, the occurrence of such incidents are quite natural. The petitioner in order to ventilate their feelings conducted a spontaneous demonstration. In any event, continuance of the impugned prosecution is not warranted. Therefore, the impugned First Information Report is quashed. This criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

**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,  
Sankarankovil Town police station,  
Tirunelveli District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD)No.19220 of 2021  
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\_RD(15.12.2021) 2P 3C