



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.20068 of 2021

WEB COPY

Balamurugan

... Petitioner / Accused No.14

Vs.

1. State through,
The Inspector of Police,
South police station,
Tuticorin,
Tuticorin District.
(Crime No.213 of 2017)

... Respondent / Complainant

2. Saminathan,
Inspector of Police,
South police station,
Tuticorin District.

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.213 of 2017 on the file of the Inspector of Police, South police station, Tuticorin District and quash the FIR in Crime No.213 of 2017 on the file of the Inspector of Police, South police station, Tuticorin, Tuticorin District as against the petitioner/accused.

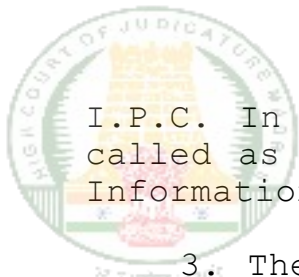
For Petitioner : Mr.KA.Raamakrishnan
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. The petitioner along with others had staged a demonstration protesting the improper supply of provisions in a public ration shop. For this, Crime No.213 of 2017 was registered on the file of Thoothukudi South police station for the offences under Sections 143 and 188 of I.P.C. Registration of the First Information Report for the offence under Section 188 of I.P.C. is clearly bad in law. It has been held in Jeevanandham and others Vs. State rep. by Inspector of Police (2018-2-L.W.(Crl.) 606) that the police officer cannot register an FIR for the offence under Section 188 of



I.P.C. In this case, the object of the assembly cannot really be called as unlawful. Therefore, the very registration of the First Information Report is bad in law.

3. The learned Additional Public Prosecutor states that final report has already been filed. But it has not been taken on file. Since I am satisfied that continuance of the criminal prosecution is not warranted in this case, the entire impugned proceedings are quashed.

4. This criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

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,
South police station,
Tuticorin,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-39327[F] dated 17/12/2021)

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