



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20838 of 2021

WEB COPY

Ragul @ Ragul Prasath

... Petitioner / 1st Accused

Vs

1.State rep. by
the Inspector of Police,
Vadipatti Police Station,
Vadipatti,
Madurai District.
(Cr.No.587 of 2016)

...1st Respondent/1st Accused

2.Village Administrative Officer,
32, Thanichiyam Village,
Vadipatti,
Madurai District.

...2nd Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the impugned First Information Report in Crime no.587 of 2016 under Sections 143, 188 and 341 of IPC dated 27.11.2016 on the file of the first respondent and quash the same as illegal as against the petitioner/accused no.1.

For Petitioner : Mr.N.S.karthikeyan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2. The case of the prosecution is that on 27.11.2016, the petitioner along with the other accused held agitation in support of jallikattu. The accused had not obtained prior permission from the concerned authorities. Hence, Crime No.587 of 2016 was registered for the offences under Sections 143, 188 & 341 of IPC.

3. The respondent police could not have registered the FIR for the offence under Section 188 of IPC as it runs counter to the ratio laid down in ***Jeevanandham and others Vs. State (2018 2 Law Weekly Crl. 606)***. This Court can take judicial notice of the fact that during the relevant time, all over the Tamil Nadu, protests



were held in support of Jallikattu. The petitioner did not have any unlawful object in mind. No adverse consequence ensued. FIR was registered way back in the year 2016. More than five years have elapsed. The continuation of the impugned prosecution is not warranted. The impugned FIR is quashed. This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non petitioning accused also.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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,
Vadipatti Police Station,
Vadipatti,
Madurai District.
- 2.The Village Administrative Officer,
32, Thanichiyam Village,
Vadipatti,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-40404[F] dated 27/12/2021)

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