



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2022

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.O.P.NO.12799 OF 2022

AND

CRL.MP.NO.6972 OF 2022

K.Muruganantham

... Petitioner

vs.

State rep.by
The Sub Inspector of Police
Virudhachalam Police Station
Cuddalore District.
(Crime No.766 of 2017)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.766 of 2017, pending on the file of Respondent Police and Quash the same.

For Petitioner : Mr.Suresh Sakthi Murugan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.766 of 2017, pending on the file of the respondent.

2. It is seen that the First Information Report is registered for the alleged offences under Sections 143 and 188 of IPC. Already this Court has categorically held that there cannot be a registration of an FIR for the offence under Section 188 as per the judgment in Jeevanandham vs State reported in 2018 2 LW (Crl.) 606 . As far as the offence under Section 143



is concerned, the same relates to the democratic protest and this Court in the above said judgment of the Jeevanandam as well as the order in CrI.OP.No.17903 of 2021 as held that the continuation of the investigation in respect of democratic protest would amount to abuse of process of law. The learned Additional Public Prosecutor cannot dispute the said legal position.

3. In that view of the same, this Criminal Original Petition is allowed and the FIR in Crime No.766 of 2017, on the file of the respondent is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

kp/shk

To

1. The Sub Inspector of Police
Virudhachalam Police Station
Cuddalore District.
2. The Public Prosecutor,
Madras High Court.

+lcc to Mr.A.Suresh Sakthi Murugan, Advocate, S.R.No.31940

CrI.O.P.No.12799 of 2022
and
CrI.MP.No.6972 of 2022

GMR(CO)
RLP(02/06/2022)