



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2022

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.O.P.No.11851 of 2022

1. S.Raju
2. Elam Cheguvera @ G.Gopinath
3. Thiagarajan @ Thiagu
4. K.Bharathi
5. A.Suresh Sakthi Murugan ...Petitioners
Versus

The State represented by its
Inspector of Police
D-1, Triplicane Police Station, Chennai.
(Crime No.334 of 2019) ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and quash the First Information Report in Crime No.334 of 2019 pending on the file of the Inspector of Police, D-1 Triplicane Police Station, Chennai.

For Petitioners: Mr.P.G.Thiyagu

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The criminal original petition is filed to quash the First Information Report in Crime No.334/2019 which is registered by the respondent for alleged offence under Section 505 (1) (b) of the Indian Penal Code.

2. Learned counsel for the petitioners would submit that the said offence is a non-cognizable offence and no prior permission of the learned Magistrate has been taken before registering of the case and proceeding with the investigation and the same is covered by the order of this Court in Pavayi vs The State [Crl.O.P.No.20346 of 2019] dated 30.07.2019 and learned counsel would also submit that the crux of the allegation also related to conduct of democratic meeting and the same is also covered by the judgment of this Court in Mayakannan and ors Vs. The State [Crl.O.P.No.15376 of 2021] dated 06.09.202, wherein, it has been



held that continuation of investigation in respect of exercise of democratic rights of the petitioners would amount to abuse of process of law.

3. Learned Additional Public Prosecutor would submit that this is a case to quash the FIR and the investigation is pending. But however, he has no answers for the contentions raised by the petitioners.

4. I am of the view that the petitioners are entitled to succeed on both grounds that the offence is non-cognizable in nature and no prior permission has been obtained from any learned Magistrate and also the nature of allegation is exercise of democratic rights for which there cannot be criminal prosecution and it would amount to abuse of process of law.

5. Therefore, this criminal original petition succeeds and the FIR in Crime No.334 of 2019 on the file of the respondent shall stand quashed.

Sd/-
Assistant Registrar/
Vacation Officer

//True Copy//

Sub Assistant Registrar

kk/drm

To

1. The Inspector of Police
D-1, Triplicane Police Station, Chennai.
(Crime No.334 of 2019).
2. The Public Prosecutor,
Madras High Court.

CRL.O.P.No.11851 of 2022

JPL(CO)
RGA(02/06/2022)