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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.22485 OF 2021

AND

CRL.M.P.NO.12218 OF 2021

1. K.Madhavan

2. Purushothaman

... Petitioners/Accused
Nos.7 & 8

.Vs.

The Inspector of Police,
Thiruthuraipoondi,
Thiruvarur District
(Crime No.423 of 2017)

... Respondent/Complainant

PRAYER:-

This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records connected to Crime No. 423 of 2017 on the file of the respondent Police and quash the FIR.

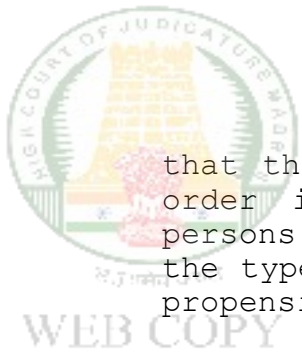
For Petitioners : Mr.S.Sekar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.423 of 2017 registered by the respondent Police.

2. The petitioners have been arrayed as A7 and A8 in the FIR. The allegations made in the complaint is to the effect that a group of persons belonging to a party joined together headed by A1 and started shouting slogans and bursting crackers and expressing support for a particular caste. It is further alleged



that this unlawful assembly was formed inspite of a prohibitory order in force. The further allegation is that the accused persons prevented the public servants to perform their duty and the type of slogans that were made during the agitation, had the propensity of causing a communal hatred.

3. The learned counsel for the petitioners mainly urged two grounds to substantiate his submissions that the FIR cannot be sustained against the petitioners. The first ground urged by the learned counsel for the petitioners is that the offence for which the FIR has been registered is maximum punishable for three years and the limitation period has already crossed under Section 468 of Cr.P.C. and therefore, no final report can be laid by the respondent police. The second ground that was raised by the learned counsel for the petitioners is that there are absolutely no materials to rope-in the petitioners as the accused persons and the complainant in this case had also conducted the investigation and the entire prosecution is an abused of process of law.

4. Per contra, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, appearing on behalf of the respondent Police submitted that the petitioners and 16 others had involved in carrying out with an agitation in violation of the prohibitory order and causing serious disturbance to the discharge of duties by the public servants and also attempted to cause disturbances to the public harmony by raising slogans in favour of a particular community.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. In the considered view of this Court, the offence under Sections 143, 186, 188 of IPC, cannot be sustained against the petitioners and law on this issue has been laid down in Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW CrI 606.

7. Insofar as the offences under Section 353 and Section 153A(i)(b) of IPC are concerned, this Court does not find any material or allegations in the complaint to sustain these offences and there is absolutely no specific overt act attributed against the petitioners. It is more than 3 ½ years since the FIR was registered and there is absolutely no progress in the investigation and no purpose will be served in keeping the FIR pending as against the petitioners.

8. In view of the above, the FIR in Crime No.423 of 2017 pending investigation on the file of the respondent Police shall stand quashed insofar as the present petitioners are concerned.



9. This Criminal Original Petition is allowed accordingly.
Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Thiruthuraipoondi,
Thiruvarur District.
2. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.S.Sekar, Advocate, S.R.No.16307

CRL.O.P.NO.22485 OF 2021 AND
CRL.M.P.NO.12218 OF 2021

SVI (CO)
PBS/17/03/2022