



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.1572 of 2022

and

Cr.M.P (MD)No.1136 of 2022

WEB COPY

1.Pattamuthu
2.Murugan
3.Srinivasan

... Petitioners/1 to 3rd Accused

4.Arumugam

... Petitioner/Rank not assigned
in the FIR

Vs.

1.The State represented by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
(Crime No.507 of 2021)

... Respondent/Complainant

2.Jeyaraj,
The Sub Inspector of Police,
Kadayam Police Station,
Tenkasi.

... Respondent/Defacto Complainant

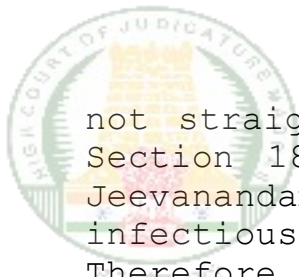
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with Crime No.507 of 2021 on the file of the first respondent police and quash the same insofar as the petitioner is concerned.

For Petitioners : Mr.S.Poornachandran
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
for R.1

ORDER

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. The petitioners are figuring as accused in Crime No.507 of 2021 registered on the file of Kadayam Police Station for the offences under Sections 143, 144, 188, 283, 269, 270 and 290 IPC. The case of the prosecution is that the accused had assembled in violation of lockdown restrictions. The respondent police could



not straight away have registered the FIR for the offence under Section 188 IPC as it runs counter to the ratio laid down in Jeevanandam case. None of the accused was suffering from any infectious disease and they did not contribute to its spread. Therefore, Sections 269 and 270 IPC could not have been invoked. The petitioners had assembled in public place and were doing some physical exercises. The petitioners are the members of RSS and it is well known that said organization encourages doing of physical exercises. This by no stretch of imagination, can be said to amount to an offence under Section 283 IPC. It also cannot be characterised as an unlawful assembly. Looked at from any angle, the registration of the impugned FIR is bad in law. The petitioner did not indulge in any act of violence. No adverse consequence ensued. Therefore, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (Accts.)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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,
Kadayam Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SMV (CO)

<https://hcservices.courts.gov.in/hcservices/> SP(26-02-2022) 2P 3C