



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1978 of 2022

and

Crl.M.P. (MD)Nos.1444 and 1445 of 2022

S.Madhan

... Petitioner/Accused No.3
Vs.

1.State rep. by

The Inspector of Police,
Tirunelveli City Police Station,
Tirunelveli City.
(Crime No.110 of 2015)

... 1st Respondent/Complainant

2.Mahalakshmi,

Sub Inspector of Police,
Tirunelveli City Police Station,
Tirunelveli City.

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned charge sheet in S.T.C.No.412 of 2016 on the file of the Judicial Magistrate No.IV, Tirunelveli and quash the same insofar as the petitioner's concerned.

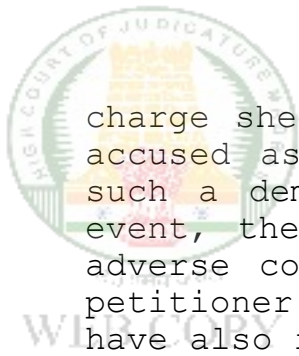
For Petitioner : Mr.V.M.Jegadeeshpandian
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor.

O R D E R

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

2.The petitioner is facing trial in S.T.C.No.412 of 2016 on the file of Judicial Magistrate No.IV, Tirunelveli for the offences under Sections 143 and 188 of IPC.

3.The case of the prosecution is that on 01.03.2015, the accused assembled in public and raised slogans that the property of Nellaiappar temple should not be leased out to other religionists. That led to registration of Crime No.110 of 2015. It was later



charge sheeted and cognizance of the offences was also taken. The accused as members of a Hindu organisation are entitled to raise such a demand. That by itself cannot be objected to. In any event, the accused did not indulge in any act of violence and no adverse consequence ensued. For raising a legitimate demand, the petitioner does not deserve to be prosecuted. The police could not have also registered an FIR for the offence under Section 188 of IPC on their own. Therefore, the impugned proceedings stand quashed and the criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Judicial Magistrate No.IV,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli City Police Station,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.1978 of 2022
02.02.2022

MGJ(16.02.2022) 2P 4C