



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1016 of 2022

Sureshkumar

... Petitioner/ Acussed No.20

Vs.

1.The State through

The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
(Crime No.91 of 2011)

... Respondent/
De-jure Complainant

2.Shanmuga Perumal

... Respondent No.2/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the impugned FIR in Crime No.91 of 2021 dated 12.06.2021 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1.

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the first respondents.

2.This criminal original petition has been filed to quash the impugned FIR registered for the offences under Sections 143, 269 and 270 of IPC.

3.The accused had assembled on 12.06.2021 to protest against the custodial death of a person. The conduct of the accused can very well be understood. The accused have only exercised their democratic rights. It is not as if the accused indulged in any act of violence. No adverse consequences ensued. No doubt, the petitioners have violated the lockdown restrictions but then, the accused were not suffering from any infectious disease nor they contributed to its spread. In these circumstances, the continuance of the impugned prosecution is not warranted. In this view, the impugned FIR is quashed and the criminal original petition is



allowed. The benefit of this order will enure in favour of the non-petitioning accused also.

Sd/-

Assistant Registrar (W)

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// 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 Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.1016 of 2022
21.01.2022

RD/CK(03.02.2022) 2P 3C