



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1330 of 2022

WEB COPY

M.K.R

... Petitioner / Accused No.13

vs.

1.State rep. by

The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District,
In Crime No.151 of 2009.

...1st Respondent/Complainant

2.M.Sundar

The Village Administrative Officer,
Villupanur Village,
Srivilliputtur Taluk,
Virudhunagar District.

... 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in J.C.No.40 of 2021 on the file of the Juvenile Justice Board, Virudhunagar against the petitioner concerned and quash the same as illegal.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.Thanga Aravindh
Government Advocate (Crl.side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents.

2. The occurrence in question had taken place on 10.09.2009. The petitioner was then a student of the Krishnankovil Government Higher Secondary School. The petitioner along with the other students had resorted to road blockade and they had raised slogans. It appears that a fellow student was attacked and the petitioner herein along with others demanded action to be taken against them. In this regard, Crime No.151 of 2009 was registered on the file of the Krishnankovil Police Station for the offences under Sections 143, 341 & 188 of IPC.



3. The respondent could not have registered an FIR for the offence under Section 188 of IPC on their own. The petitioner and others only wanted legal action to be taken against certain offenders. The object of the assemble cannot be called as unlawful. It is true that they had resorted to road blockade for a while. But then, no adverse consequence ensued. The petitioner did not indulge in any act of violence. In any event, keeping the prosecution of this nature pending for 13 years is certainly un-justified. Continuation of the prosecution is not warranted. The impugned proceedings stand quashed. This Criminal Original Petition is allowed on these terms. The benefit of this order will enure in favour of the non-petitioning accused also.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2544[F] dated 27/01/2022)

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