



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1286 of 2022
and
Crl.M.P. (MD)No.933 of 2022

J.Ramesh Kumar ... Petitioner/ Accused No.1
Vs.

1.The State of Tamilnadu rep. by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.530 of 2021) ... Respondent/ Complainant

2.Ezhilarasi ... Respondent/ Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the impugned First Information Report in Crime No.530 of 2021 dated 06.12.2021 under Sections 143, 188, 290, 269, 270 and 505(1)(b) of IPC and Section 3 of Epidemic Disease Act, 1897 on the file of the respondent No.1 and quash the same as illegal insofar as the petitioner/Accused No.1 concerned.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1.

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

2.The petitioner is figuring as first accused in Crime No.530 of 2021 registered on the file of Kaliyakkavilai police station for the offences under Sections 143, 188, 290, 269, 270 and 505(1)(b) of IPC and Section 3 of the Epidemic Diseases Act, 1897.

3.The case of the prosecution is that on 06.12.2021, the accused along with ten others had assembled and made a statement that 6th December is not a black day and that it is a day of celebration. This Court has quashed several FIRs registered against



the members of minority organisations, who had held protests on 6th December in violation of prohibitory order and lockdown restrictions. I had held that it is open to the members of minority organisations to condemn the Babri Masjid incident and that registration of an FIR against them is not warranted.

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4.What is sauce for the goose is sauce for the gander also. Just as a section of people are entitled condemn the Babri Masjid incident, another section of people are entitled to take a view that it is not so. Admittedly, the accused in this case did not indulge in any act of violence. They did not suffer from any infectious disease and they did not contribute to its spread also. Therefore, the impugned prosecution is 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 petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// 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,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P(MD)No.1286 of 2022
25.01.2022

RD(07.02.2022) 2P 3C