



WEB COPY

Cr1.O.P(MD)No.1888 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.1888 of 2022

and

Cr1.M.P(MD)No.1388 of 2022

Fatima

... Petitioner/ Accused No.1

Vs.

1.The State represented by
The Inspector of Police,
Thenpagam Police Station,
Thoothukudi District.
(In Crime No.754 of 2012)

... 1st Respondent/Complainant

2.Prem Sudhakar,S/O. Not Known,
Village Administrative Officer,
Thoothukudi Part-2,
Thoothukudi District.

... 2nd Respondent/
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the impugned First Information Report in Crime No.754 of 2012 on the file of first Respondent Police Station and quash the same as against the petitioner concerned/Accused No 1.

For Petitioner : Mr.Henry Tiphagne

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Cr1.Side) for R.1

ORDER

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

2. The petitioner is shown as an accused in Crime No.754 of 2012 registered on the file of Thenpagam Police Station, Thoothukudi District, for the offences under Sections 142, 143 and 188 IPC.

3. The learned counsel appearing for the petitioner states that since final report was not filed within time, the learned trial Magistrate invoking the power under Section 468 Cr.P.C, had lodged the case. Though the case has suffered a natural demise, it

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continues to be reflected in the Online portal maintained by the police. Therefore, the petitioner is put to inconvenience and difficulties. The first respondent is not in a position to give any calender case number also. Before entering into the factual controversy, I would rather decide the issue on merits. The case of the prosecution is that the petitioner had staged a demonstration without getting prior permission. It is seen that the petitioner had taken up only a public cause. Therefore, voicing her stand in public cannot be said to be unlawful. The FIR could not have been registered straightaway for the offence under Section 188 IPC. Looked at from any angle, the prosecution is not maintainable. 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/-

Assistant Registrar (AE)

// 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,
Thenpagam Police Station,
Thoothukudi District.
- 2.The Village Administrative Officer,
Thoothukudi Part-2,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-4638[F] dated 07/02/2022)
Crl.O.P(MD)No.1888 of 2022 and
Crl.M.P(MD)No.1388 of 2022

04.02.2022

RD(24.02.2022) 2P 5C

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