



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2105 of 2022
and
Crl.M.P(MD)No.1574 of 2022

Mahadevanpillai

...Petitioner/2nd Accused

Vs.

1.The State represented by
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
(Crime No.146 of 2021)

...1st Respondent/ Complainant

2.Mariselvan,
The Sub-Inspector,
Boothapandy Police Station,
Kanyakumari District.

...2nd Respondent/
Defacto Complainant

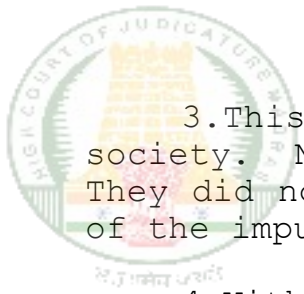
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with Crime No.146 of 2021 on the file of the first respondent police and quash the FIR insofar as the petitioner/2nd Accused is concerned.

For Petitioner : Mr.R.Rajalakshmi
For R1 and R2 : Mr.M.Veeranthiran
Govt. Advocate

O R D E R

Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2.The petitioner is figuring as an accused in Crime No.146 of 2021, registered on the file of Boothapandy Police Station, for various offences. The case of the prosecution is that the accused assembled in public in violation of lock down restrictions. It is seen that the accused belongs to a political party. They had assembled to condemn the killing of fellow party workers at West Bengal.



3.This is legitimate exercise of one's rights in a democratic society. No accused were not suffering from any infectious disease. They did not contribute to its spread. Therefore, the registration of the impugned FIR is unwarranted and it stands quashed.

4.With the said observation, this Criminal Original Petition is allowed. The benefit of the order will enure in favour of the non-petitioning accused also. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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

CrI.O.P(MD)No.2105 of 2022
02.02.2022

RK(16/02/2022) 2P 3C