



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.2373 of 2022

and

Crl.M.P.(MD)No.1742 of 2022

Satheesh Chandran

...Petitioner/
19th Accused

Vs.

1.State rep. by
Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.551 of 2021)

...Respondent/
Complainant

2.Ezhilarasi

...Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with Crime No.551 of 2021 on the file of the first respondent police and quash the FIR in so far as the petitioner is concerned.

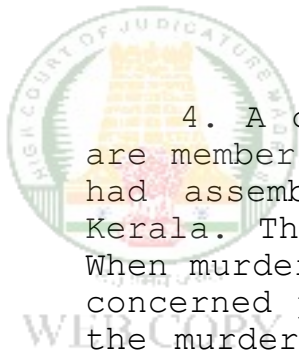
For Petitioner : Mr.S.Poornachandran
For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. The petitioner is figuring as an accused in Crime No.551 of 2021 registered on the file of the first respondent for the offences under Section 143, 188 and 269 IPC and Section 3 of Epidemic Diseases Act, 1897.

3. It is seen that the case of the prosecution is that on 20.12.2021 in violation of the lock down restrictions, the accused had assembled in public and raised aggressive slogans.



4. A careful reading of the FIR indicates that the petitioners are members of a recognized social and political organization. They had assembled to condemn the brutal murder of their leader in Kerala. The object of the assembly cannot be said to be unlawful. When murder of this nature takes place, certainly the members of the concerned political organisation will hold demonstration condemning the murder. This cannot invite prosecution. No adverse consequence will ensue. None of the accused were suffering from any infectious disease or contributed to its spread. In any event, the police on their own could not have registered the FIR for the offence under Section 188 IPC or Section 3 of Epidemic Diseases Act, 1897. Looked at from any angle, the impugned FIR is not warranted. It is quashed. The Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. The benefits of the order will enure in favour of the non-petitioning accused also.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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. Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.551 of 2021)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.2373 of 2022

04.02.2022

MGJ(05.03.2022) 2P 3C