



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.6245 of 2022

and

Crl.M.P(MD) No.4317 of 2022

1. Muneeswaran
2. Selvam
3. Lakshmanan
4. Saravanakumar
5. Praveen kumar
6. Kalaiselvam
7. Thandeewaran

... Petitioners/Accused 1 to 7

Vs.

State rep. by

1. The Sub Inspector of Police,
Perungudi Police Station,
Madurai District.
(In Crime No.31 of 2022)

... Respondent/Complainant

2. Hanumanthan
The Sub Inspector of Police,
Perungudi Police Station,
Madurai District.

... Respondent/Defacto Complainant

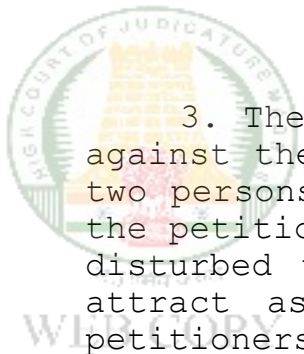
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of the FIR in Crime No. 31 of 2022 on the file of the 1st respondent and quash the same and against the petitioners.

For Petitioners : Mr.S.Muniyandi
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No. 31 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that on 28.02.2022 when the defacto complainant conducted raid along with police party, the petitioners along with others are fighting with each in front of Mahesh Hotel, Aruppukottai Junction. After giving warning the petitioners and others without obeying the warning indulged in same activities. Hence the first respondent registered a case in Crime No.31 of 2022 for the offence under Section 160 of IPC.



3. The offence under Section 160 of IPC is not maintainable as against the petitioners. As per the provision of Section 159 of IPC two persons fighting in public to disturb the public peace, whereas the petitioner have not at all fight with others and they have not disturbed the public peace, therefore Section 160 of IPC does not attract as against these petitioners. That apart most of the petitioners are preparing for Tamil Nadu Public Service Examination and they have completed only 18 years.

4. It is also seen that there is no evidence to show that the petitioners and other groups involved in illegal activities and they have not at all created any disturbance to the general public. Further as per the provisions there are four ingredients namely it should involve two or more persons and they must fight between among or themselves and the fight should take place in a public place and it should disturb the public peace. As per the allegation made in the First Information Report those ingredients are not made out and as such no offence is made out to attract the offence under Section 160 of IPC as against the petitioners, hence the impugned First Information Report cannot be sustained as against the petitioners.

5. In view of the same, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 31 of 2022 , on the file of the first respondent police, is quashed. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Sub Inspector of Police,
Perungudi Police Station, Madurai District.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court

Crl.O.P. (MD) No.6245 of 2022
and
Crl.M.P(MD) No.4317 of 2022
Date:05.04.2022

SA(12.04.2022) 2P 3C