



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

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THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P(MD) No.8017 of 2022

and

Crl.M.P(MD)No.5430 of 2022

- 1.Muthukumar
- 2.Alagarsamy,
- 3.Pandian
- 4.Hariharasuthan ... Petitioners 1 to 4 / Accused 1 to 4
- 5.Rajasimman ... Petitioner No.5 / Accused No.6
- 6.Venkatraj
- 7.Thandapani @ Dhandapani
- 8.Satheeshkumar ... Petitioner No.6 to 8 / Accused Nos.8 to 10
- 9.Senthilvel ... Petitioner No.9 / Accused No.12
- 10.Manikandan ... Petitioner No.10 / Accused No.14
- 11.Sugumar
- 12.Arumugam
- 13.Muthuramalingam ... Petitioners No.11 to 13 /
Accused Nos.16 to 18
- 14.Senthil Prakash
- 15.Krishnan
- 16.Nethaji Sekar @ Dhanasekar
- 17.Pandipedaran
- 18.Arivuselvam



20.Loganathan

... Petitioners No.14 to 20 /
Accused Nos.22 to 28

21.Marikannan

22.Palanivel

23.karthick

24.Balamurugan

... Petitioners Nos.21 to 24 /
Accused Nos.31 to 34

25.Sudalaimani

... Petitioner No.25 / Accused No.39

26.Veerapandi

27.Tamilselvan

28.Uthayakumar

29.Senthil

... Petitioner No.26 to 29 / Accused Nos.42 to 45

30.Pirathipkumar @ Pradeepkumar

31.Balaji

32.Sathiyasiva

33.Beemaravu Ramje @ Beema Rao

34.Ajithkumar

35.BalaGuruRaja

36.Ramkumar

37.Chelladurai

... Petitioner No.30 to 37 / Accused Nos.47 to 54

38.Shenbaga Pandian

39.Kumaran

40.Chithambaram @ Chithambaranathan

... Petitioner Nos.38 to 40 /
Accused Nos.56 to 58

41.Selvam

... Petitioner No.41 / Accused No.60

42.Sivalaper Mahan @ Mahadevan



44.Siva Prabhakaran

45.Balasubramanian

... Petitioner No.42 to 45 /

Accused Nos.62 to 65

46.Vakkil Jein

47.Vaigundarajan

48.Venkatesan

49.Arunkumar ... Petitioner No.46 to 49 / Accused Nos.69 to 72

50.Selvakumar

51.K.K.Srinivasan ... Petitioner No.50 & 51 / Accused Nos.75 & 76

52.Raja @ Kattu Raja ... Petitioner No.52 / Accused Nos.79

53.Panneerselvam

54.Janarthanan ...Petitioner No.53 & 54 / Accused Nos.81 & 82

55.Sivakami

56.Meena

57.Mahalakshmi

58.Kavitha

59.Vetriselvi

60.Manimala ... Petitioner No.55 to 60 / Accused Nos.88 to 93

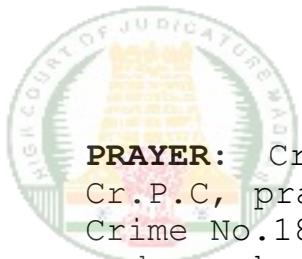
Vs

1.The Inspector of Police
Karimedu police Station
Madurai City.
(Crime No.187 of 2021)

... 1st Respondent / Complainant

2.M.Sundara Pandian
Working as Sub-Inspector of Police
Karimedu Police Station
Madurai City.

... 2nd Respondent / De-facto-Complainant



PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to call for the records pertains to impugned FIR in Crime No.187 of 2021 on the file of the 1st respondent Police Station and quash the same in so far as the petitioners/Accused nos 1 to 4, 6, 8 to 10, 12, 14, 16 to 19, 22 to 28, 31 to 34, 39, 42 to 44, 45, 47 to 53, 54, 56 to 58, 60, 62 to 65, 69 to 71, 72, 75, 76, 79, 81, 82, 88 to 93 are concerned.

For Petitioners : Mr.R.Gowrishankar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

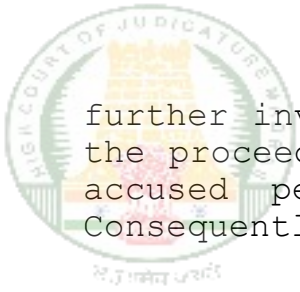
ORDER

This petition has been filed to quash the impugned FIR in Cr.No.187/2021, on the file of the first respondent police station and quash the same as against the petitioners herein.

2.The case of the prosecution is that on 20.02.2021, the accused persons who belongs to Rasthriya Suyam Sevak Sangam, Barathiya Janatha Party, Hindu Munnani and other establishments, without any prior permission, they were unlawfully assembled and tried to conduct Ratha Yathirai and conducted agitation against police activities and caused hindrance to vehicular movements. Hence an FIR in Crime No.187/2021 was registered.

3.It is seen that the petitioners sought permission to conduct awareness campaign for construction of Sri Rama Temple in Ayodhya. The said request was rejected by the Assistant Commissioner of Police(ACP), Madurai by the proceedings, dated 18.02.2021, for the reason that due to Covid-19 situation and also law and order problem. However, it was challenged by one of the petitioners herein, before this Court in W.P(MD)No.3562/2021 and this Court set aside the rejection order passed by the Assistant Commissioner of Police and directed the Commissioner of Police, Madurai, to consider the request of the petitioner with reasonable restrictions for the free movement of the vehicle in and around Madurai, by order, dated 19.02.2021. Accordingly, they were permitted to conduct awareness campaign for construction of Sri Rama Temple in Ayodhya. In fact, as against the order passed by this Court, the Commissioner of Police also filed a Writ Appeal, which was disposed of by extending one hour time duration stated in the permission, dated 03.03.2021. In pursuant to the same, the present FIR has been registered as against all the petitioners/ Accused nos. 1 to 4, 6, 8 to 10, 12, 14, 16 to 19, 22 to 28, 31 to 34, 39, 42 to 44, 45, 47 to 53, 54, 56 to 58, 60, 62 to 65, 69 to 71, 72, 75, 76, 79, 81, 82, 88 to 93.

4.That apart, the complainant and the investigation officer are one and same. Therefore, the impugned FIR cannot be sustained for



further investigation and it is liable to be quashed. Accordingly, the proceedings in Crime No.187/2021 are quashed as against all the accused persons. The criminal original petition is allowed. Consequently, the connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Inspector of Police
Karimedu police Station
Madurai City.
- 2.The Sub-Inspector of Police
Karimedu Police Station
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.8017 of 2022
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MK/25.05.2022/5P/4C