



CrI.O.P.(MD) No.8509 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.8509 of 2022

and

CrI.M.P(MD) No. 5772 of 2022

1. Edwin Ebinesar @ Edwin Eabinasar
2. Billgates
3. Arunkumar
4. Albinraja @ Alvinraja
5. Elangovan @ Elango
6. Pranap
7. Velankanni
8. Jegan ... Petitioners/Accused Nos.2, 21, 23, 55, 58,
100, 101 and 107

Vs

1. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.1173 of 2020) ... 1st Respondent/ Complainant
2. Lokanathan ... 2nd Respondent/ defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the First Information Report in Crime No.1173 of 2020, on the file of the first respondent police and quash the same.



Crl.O.P.(MD) No.8509 of 2022

For Petitioners : Mr.J.Vishnu

For R1 : Mr.M.Sakthi Kumar
Government Advocate.

ORDER

This Criminal Original Petition has been filed challenging the case registered in Crime No.1173 of 2020 on the file of the first respondent police.

2. The learned counsel for the petitioners submitted that on 27.10.2020 at about 09.00 a.m, the defacto complainant/ 2nd respondent had given a complaint before the first respondent police alleging that while 144 order was in force and also the lock down in connection with Covid-19 Pandemic was in force, the petitioners along with their villagers who were more than 259 in number, involved in a group strike, seeking to address their water requirements. The petitioners were said to have breached the lock down rules which was in force and hence the above complaint. Therefore, a case has been registered in crime No.1173 of 2022 for the offences under Sections 143, 341, 353, 269, and 289 I.P.C., against the



CrI.O.P.(MD) No.8509 of 2022

petitioners. He further submitted that no offence is made out against the petitioners for unlawful assembly and the petitioners have been falsely implicated in this case. The charge sheet also does not disclose any cognizable offence against the petitioners and hence, he pleaded to quash the petition.

3. The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the case is under investigation.

4. I have considered the matter in the light of the submissions made by the learned counsel for both parties.

5. It is alleged by the second respondent/ Village Administrative Officer that the petitioners, during the Covid-19 Pandemic period and when the 144 order was in force, involved in a strike, demanding drinking water and tap water for agricultural purpose. On perusal of the complaint, it is seen that there is no evidence to show that the petitioners and others unlawfully assembled only demanding water for drinking purpose. There is also no allegation in the FIR that the petitioners have prevented the



CrI.O.P.(MD) No.8509 of 2022

complainant from discharging his duty and further there is no *prima facie* allegation making out any cognizable offence punishable under Sections 143, 341, 353, 269 and 289 I.P.C.

6. In these circumstances, the offences mentioned in the FIR are absolutely baseless and there is no material for registering the present case for the offences mentioned therein, leading to an FIR. Hence, the continuation of investigation would lead to misuse of the process of law. Therefore, the case registered in Crime No.1173 of 2020, is liable to be quashed.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

03.08.2022

Internet: Yes./No

Index: Yes/no

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Note: Issue order copy on 05.08.2022



CrI.O.P.(MD) No.8509 of 2022

To

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



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CrI.O.P.(MD) No.8509 of 2022

V.SIVAGNANAM, J.

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ORDER IN
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