



CrI.O.P.(MD) No.13308 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.O.P.(MD) No.13308 of 2022

Santhakumar,

: Petitioner

Vs

1. State represented by
The Inspector of Police,
Narakinaru Police Station,
Thoothukudi District.
Crime No.5 of 2022

2. Muthuselvan,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the impugned FIR in Crime No.5 of 2022, on the file of the first respondent police and quash the same as illegal in so far as the petitioner is concerned.



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For Petitioner : M/s.Prabu M,
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.5 of 2022, on the file of the first respondent police.

2. The learned counsel for the petitioners submitted that the petitioner along with other persons were arrested for conducting a road roko by stopping the Government bus in their Village, on 26.01.2022. Therefore, the respondent Police registered a case against the petitioner and others in Crime No.5 of 2022 for offences under Section 143, 283, 269 of IPC along with Section 4A(1a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. The people have agitated for the welfare of the public and they have not involved in any criminal activities. The 13 accused persons have approached this Court for quashing the F.I.R in Crl.O.P.(MD).No.3403 of 2022, which was allowed on 17.02.2022. Thus the petitioner's counsel needs to quash the F.I.R as against the petitioner also. Further stated that the petitioner is the 45th accused in the said FIR, but in the FIR only 30 accused persons were mentioned.



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3.The learned Government Advocate (CrI.Side) submitted that the agitation was happened during the lock down period, the petitioner and others prevented the Government bus from running on the road. Hence the case has been registered and the F.I.R. against 13 persons were quashed by this Court. Further, he admitted that the petitioner is the forty fifth accused in the said FIR.

4.I have considered the matter in the light of the submission made by the learned counsel for both the parties. Admittedly, the petitioner and others involved in the agitation and prevented the running of Government bus in their Village on 26.01.2022. Hence the case has been registered in Crime No. 5 of 2022 under under Section 143, 283, 269 of IPC along with Section 4A(1a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. Further, it is not disputed that the case as against 13 persons were quashed on 17.02.2022 by this Court. Under these circumstances, the continuation of the case against the petitioner is not warranted. Hence the case against the petitioner is also quashed.



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5. With the above observations, this Criminal Original Petition is allowed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr



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V.SIVAGNANAM, J.

lr

To

1.The Inspector of Police,
Narakinaru Police Station,
Thoothukudi District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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