



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.20918 of 2021

WEB COPY

- 1.Saravana Kumar
- 2.S.Sasikumar
- 3.J.Parthasarathy
- 4.P.Manickam
- 5.R.Vignesh
- 6.M.Udaya Kumar
- 7.Kalimuthu
- 8.J.Arunpandi
- 9.K.Kuronisenthil
- 10.M.Sarathkumar
- 11.S.Satham Hussain
- 12.M.Rajendaran
- 13.P.Raja
- 14.R.Sasikala
- 15.Rajeswari
- 16.Fathima
- 17.Tamilarasi
- 18.Bagavathi
- 19.Jeya
- 20.Angayarkanni
- 21.Selvi
- 22.Ponmalar



23.Sudharani

24.Pasumpon

25.Jothi

... Petitioners

WEB COPY

Vs

1.State rep. by Inspector of Police,
B6-Jaihindpuram Police Station,
Madurai District.
(Crime No.507 of 2015)

2.Shankar
Inspector of Police (I/C),
B6-Jaihindpuram Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in S.T.C.No.287 of 2016 on the file of the Judicial Magistrate No.IV, Madurai and quash the same.

For Petitioners : Mr.L.Shaji Chellan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

2. The case of the prosecution is that on 29.04.2015, at around 6.30 p.m., the petitioners herein held a demonstration in Jaihindpuram locality. According to the respondent police, the petitioners did not obtain any prior permission for holding such demonstration. The petitioners had raised slogans condemning thoothukudi district police. For this, the first respondent registered an FIR in Crime No.507 of 2015 for the offences under Sections 143 and 188 of IPC. The case was investigated and final report was filed and it was taken on file in S.T.C.No.287 of 2016 on the file of the Judicial Magistrate No.IV, Madurai.

3. As rightly pointed out by the learned counsel for the petitioners, the respondent police could not have registered an FIR for the offence under Section 188 of IPC. The petitioners are the members of a recognised organisation and raising an issue of this nature is basically an exercise of democratic rights. The petitioners did not indulge in any act of violence. No adverse consequence had also ensued. Therefore, the continuation of the impugned proceedings is not warranted. Quashing the same alone



would secure the ends of justice. The impugned proceedings stands quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

rmi

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.The Judicial Magistrate No.IV, Madurai.

2.The Inspector of Police,
B6-Jaihindpuram Police Station,
Madurai District.

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

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-90[F] dated 04/01/2022)
Crl.O.P(MD)No.20918 of 2021
04.01.2022

MGJ(24.01.2022) 3P 5C