



WEB COPY



Crl.O.P.No.5016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5016 of 2023

and

Crl.M.P.No.3143 of 2023

Dr.Varadharajan

...

Petitioner

Vs.

1.State rep by
Inspector of Police,
Pollachi Town Police Station,
Coimbatore District.
Crime No.316 of 2019

2.Alagesan
Sub Inspector of Police,
Pollachi Town Police Station,
Coimbatore District.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of FIR in Crime No.316 of 2019 dated 11.10.2019 on the file of 1st respondent herein and quash the same so far as petitioner is concerned.

For Petitioner : Mr. N.Ponraj

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)



Crl.O.P.No.5016 of 2023

ORDER

WEB COPY This Criminal Original Petition is filed to call for the records of FIR in Crime No.316 of 2019, dated 11.10.2019, on the file of first respondent and quash the same so far as the petitioner is concerned.

2.The learned counsel for the petitioner submitted that petitioner is one of the accused in Crime No.316 of 2019, registered for the offences under Sections 143 IPC, 151 Cr.P.C. and 7(1)(a) of Criminal Law Amendment Act. The allegations against the petitioner and other accused is that at about 11.15 a.m., on 11.10.2019, the accused under the leadership of one Thendral Selvaraj, the then incharge of South Coimbatore DMK Party, unlawfully assembled and shouted that a false case had been registered against the members of DMK party by the Pollachi Taluk Police. Therefore, they have to resort to damage the buses by throwing stones, setting buses on fire and damaging the shops to show their protest to the Government. Only then, the Government will withdraw the false case. Therefore, the case came be registered as above.

3.The learned counsel for the petitioner submitted that petitioner is



Crl.O.P.No.5016 of 2023

falsely implicated in this case. Offences concerned in this case are punishable with imprisonment for a term less than one year. Though FIR was registered on 11.10.2019, till now final report has not been filed. Taking cognizance of the offence is barred by limitation.

4.The learned Government Advocate (Crl.Side) submitted that the final report is not filed in this case.

5.As indicated above, FIR was registered for the offences under Sections 143 IPC, 151 Cr.P.C. and Section 7(1) (a) of Criminal Law Amendment Act. Till now, final report is not filed in this case. Offences under Section 143 IPC is punishable with imprisonment which may extend upto six months or with fine or with both. The offences under Section 7(1) (a) of Criminal Law Amendment Act is punishable with six months imprisonment or with fine. Therefore, even if the final report is filed, offences cannot be taken cognizance for the reason that there is a bar under Section 468 Cr.P.C. to take cognizance. No statement is available to show that petitioner formed an unlawful assembly within the meaning of Section 141 IPC. There is no material available to satisfy the ingredients of Sections 141 I.P.C. and 7(1)(a) of Criminal Law



Crl.O.P.No.5016 of 2023

Amendment Act. Thus, this Court is of the view that keeping the FIR pending would be an abuse of process of law and harassment to the petitioner. For all these reasons, this Court is of the view that continuation of criminal proceedings against the petitioner is not just and proper and therefore, FIR in Crime No.316 of 2019 is liable to be quashed as against the petitioner and accordingly quashed as against the petitioner.

6.In view of the same, this Criminal Petition is allowed. Consequently, connected miscellaneous petition is also closed.

03.03.2023

sli

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

4/6



Crl.O.P.No.5016 of 2023

1. The Inspector of Police,
Pollachi Town Police Station,
Coimbatore District.
Crime No.316 of 2019

2. Alagesan
Sub Inspector of Police,
Pollachi Town Police Station,
Coimbatore District

3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5016 of 2023

G.CHANDRASEKHARAN, J.
sli

Crl.O.P. No.5016 of 2023

03.03.2023