



Crl.O.P.No.16287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16287 of 2023
and Crl.M.P.No.10332 of 2023**

C.Ve.Shanmugam

.. Petitioner

Versus

**State Rep. by Inspector of Police,
Villupuram West Police Station,
Villupuram District.
(Crime No.434 of 2021).**

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the case in Crime No.434 of 221 on the file of the Villupuram West Police Station.

**For Petitioner : Mr.Vijaynarayan, Senior Counsel
for Mr.M.Mohamed Riyaz and
Mr.E.Balmurugan**

**For Respondent : Mr.M.Babumuthumeeran,
Additional Public Prosecutor,
for R1**



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ORDER

Mr.M.Babumuthumeeran, learned Additional Public Prosecutor takes notice on behalf of the respondent. This petition has been filed to quash the F.I.R in Crime No.434 of 2021 pending investigation on the file of the respondent.

2. The case of the prosecution is that on 31.08.2021, at about 11.00 A.M, without taking prior permission, the petitioner along with others is said to have conducted hunger strike against the announcement of merger of J.Jayalalitha's University with the Annamalai University. It was alleged that the petitioner and others had violated the proclamation order under Section 144 of Cr.P.C and they also created nuisance to the general public. A suo motto complaint was given by the Inspector of Police and based on the same, the respondent registered an F.I.R in Crime No.434 of 2021 on 31.08.2021 for offences under Sections 143, 341, 269 and 270 of I.P.C and Section 3 of the Epidemic Diseases Act, 1897.



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3. Heard Mr.Vijaynarayan, learned Senior Counsel for the petitioner and Mr.M.Babumuthumeeran, learned Additional Public Prosecutor for the respondent.

4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case.

5. On carefully going through the allegations made in the F.I.R, it is seen that at the best, the offences under Sections 143, 341 and 269 of I.P.C and Section 3 of the Epidemic Diseases Act, 1897 are made out. The offence under Section 270 of I.P.C is not made out since the act of the petitioner and others can only be considered to be negligent and it cannot be considered as malignant which involves a higher degree of *mens rea* to constitute the offence.

6. Insofar as the offences under Sections 143, 341 and 269 of I.P.C and Section 3 of the Epidemic Diseases Act, the same is punishable for a maximum imprisonment of only six months. Hence the Final Report ought to have been filed within a period of one year under Section 468 of Cr.P.C.



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If any Final Report is filed beyond this time, the same will be barred under Section 468(2)(b) of I.P.C. The allegations that have been made in the complaint do not warrant any extension of time under Section 473 of Cr.P.C. Hence even if the investigation is completed and Final Report is filed, the Court below cannot take cognizance of the offences under Sections 143, 341 and 269 of I.P.C and Section 3 of the Epidemic Diseases Act, 1897. The continuation of the investigation will only result in abuse of process of law which warrants the interference of this Court in exercise of its jurisdiction under Section 468 of Cr.P.C.

7. In view of the above, the F.I.R in Crime No.434 of 2021 pending on the file of the respondent is hereby quashed in entirety and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

20.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To



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1. The Public Prosecutor,
High Court of Madras.
2. The Inspector of Police,
Villupuram West Police Station,
Villupuram District.



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N.ANAND VENKATESH, J.
grs

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