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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 10.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.O.P.(MD).No.2501 of 2023

and

CRL.M.P.(MD)No.2235 of 2023

1.Muthu Durai @ Durai

2.Murugan

3.John Jebakuttai

4.Shanmugavel

5.Rajakani

6.Danial Raj

7.Malaiyappan

8.Veruthaiyan

9.Petchimuthu

10.Murugan

11.Poolaiya

12.Chokkaiya

13.Balamurugan

14.Senthilvel

15.Thangapandi

16.Thangakani

17.Murugan

18.Vairmuthu

19.Kani



20.Rajivganthi

21.Thangaraj

: Petitioners

Vs.

1.The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
Crime No.5 of 2022.

2.Muthuselvan

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, 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.

For Petitioners : Mr.Rajiv Rufus,

For Respondents : Mr.M.Muthu Manikkam,
Government Advocate (Criminal Side)
for R1.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders 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.



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2. The case of the prosecution is that the petitioners and other villagers assembled illegally and without following the norms of Covid-19 and conducted road-roko by stopping the Government buses and also hoisted black flag on the trees and water tank in their village. Hence, the respondent Police registered a case against the petitioner and others in Crime No.5 of 2022 under Sections 143, 283, 269 IPC and Section 4A(1a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3. It is not in dispute that originally the FIR came to be registered against 30 named persons and some others.

4. The learned counsel for the petitioners would submit that the village people have conducted agitation for the welfare of the public and they have not involved in any criminal activities; that they have not used violence and that the Government had already been taken a policy decision not to pursue the cases registered in the wake of breach of lock down restrictions. He would submit that a batch of 13 accused and another batch of 15 accused and 45th accused have filed similar petitions seeking to quash the impugned FIR in Crime No.5 of 2022 on the file of the respondent Police in CrI.O.P(MD)No.3403 of 2022; CrI.O.P(MD)No.10097 of 2022,



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Crl.O.P.(MD)No.13308 of 2022 and Crl.O.P.(MD)No.22523 of 2022 and that this Court vide orders, dated 17.02.2022; 09.06.2022; 25.07.2022 and 03.01.2023, has allowed the petitions and thereby quashing the FIR in so far as the petitioners/accused therein. It is also necessary to refer the following passage in the order passed in Crl.O.P.(MD)No.10097 of 2022, dated 09.06.2022:

“4. I have considered the matter in the light of the submission made by the learned counsel for both the parties. Admittedly, the petitioner along with 13 persons 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 Sections 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 these persons is not warranted. Hence the case against these petitioners is also quashed.”

5. The case on hand also is squarely covered by the orders passed in Crl.O.P(MD)No.3403 of 2022; Crl.O.P(MD)No.10097 of 2022 and Crl.O.P. (MD)No.13308 of 2022. Hence, this Court has no hesitation to hold that the very continuation of impugned prosecution against the petitioners are not warranted and that therefore, the impugned FIR in Crime No.5 of 2022, is liable to be quashed.



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6. In the result, the Criminal Original Petition is allowed and the FIR in Crime No.5 of 2022 on the file of the respondent Police is quashed in so far as the petitioners are concerned. Consequently, connected Miscellaneous Petition is closed.

10.02.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das

To

- 1.The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

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