



Crl.O.P.(MD)No.1855 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 31.08.2023

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THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.1855 of 2023

and

Crl.M.P.(MD) No.1634 of 2023

1.J.Aravind

2.R.Sargunapandian

... Petitioners

Vs.

1. The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
(Crime No.46 of 2022)

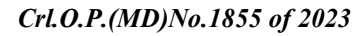
2. Kumaravel,
The Sub Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.46 of 2022 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.M.Suresh

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)



This petition is filed seeking for quashment of FIR in Crime No. 46 of 2022 pending on the file of the first respondent police registered against the petitioners under Sections 143 and 341 of IPC.

2. According to the police on 017.03.2022 at about 10.00 a.m., when the police party was on patrolling duty near Kulamangalam South Thirunalur road, the petitioners along with other persons assembled unlawfully and started protesting and blocked the traffic thereby causing hindrance to the public, thereby a case has been registered in Crime No. 46 of 2022 for the offences under Sections 143 and 341 of IPC against the petitioners and others.

3.It is submitted by learned counsel for the petitioners that the allegations levelled against the petitioners are baseless and that even if the contents of FIR and the charge sheet are accepted to be correct, no case is made out against the petitioners, as the petitioners were demonstrating peacefully without causing inconvenience to anybody. He



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further contended that as per Section 468(b) of Cr.P.C., the first respondent police failed to file charge sheet within one year from the date of registration of FIR, thereby even if the charge sheet is filed, it cannot be taken cognizance.

4.The learned Government Advocate (Crl.Side) for the 1st respondent Police has submitted that as per the investigation done by the Police, there are clear overt acts against all the accused and thereby, until the investigation is completed, the truth or otherwise of the allegations cannot be revealed.

5.The Hon'ble Supreme Court has laid down the guidelines for exercising of inherent power under Section 482 of the Cr.P.C. for quashing the criminal proceeding in the case of *State of Haryana v. Bhajanlal* reported in *1992 SCC (Cri) 426*, which reads as follows:-

"**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we



give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.



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(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

6.It is to be examined as to whether the facts of the case are false in any one of the circumstances as held by the Hon'ble Apex Court for considering whether the case against the petitioners can be quashed.

7.It is not a case, where the petitioners are seeking quashment of the FIR on the ground that there is a statutory embargo in continuation



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of the proceedings. On going through the FIR, there are clear and direct overt acts against the petitioners. If the allegations levelled against the petitioners are correct, there is a material to hold that the offences alleged have been committed by the accused as narrated in the FIR.

8.On going through the contention of the petitioners and on considering the defense put forth by the petitioners, it cannot be decided at this stage as to which one of the version is correct. Unless, the investigation is completed, the truth or otherwise of the statement of the witnesses cannot be appreciated. Therefore, it is a fit case, where the Police shall be allowed to proceed with the investigation, as there is *prima facie* material against the petitioners. Further, it is not advisable to throttle the investigation at this threshold level.

9.Accordingly, this Criminal Original Petition is disposed of directing the respondent Police to complete the investigation as quickly as possible not later than four weeks from the date of receipt of a copy of this order. However, the respondent Police are directed not to take any coercive steps against the petitioners.



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WEB COPY Consequently, connected Miscellaneous Petition is closed.

31.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN, J.

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