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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/06/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.6187 of 2023

and

Cr1.MP(MD)No.5405 of 2023

Thirumalai Balaji : Petitioner/A2

Vs.

1.State through

The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul Town and District.

(Crime No.381 of 2013) : R1/Complainant

2.Pugalendhi,

Inspector of Police,
Town West Police Station,
Dindigul.

: R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No. 381 of 2013, dated 04/07/2013 and quash the same and pass such further or other orders.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

**ORDER**

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.381 of 2013, dated 04/07/2013.

2.The case of the prosecution in brief:-

On 04/07/2013 at about 08.45 am, near Dindigul Municipal Corporation area, the accused persons gathered unlawfully under the head of one Jayakumar and staged protect against killing of one Vellaiyappan, on 02/07/2023. At that time, one Baskaran, who is the office-bearer of Vishwa Hindu Praishat made a public speech making defamatory, hate speech against the other religious people. So, on the basis of the above said speech, a case in Crime Nos.147, 148, 341, 294(b), 353 and 506(i) IPC, was registered.

3.Now seeking quashment of the same, this petition has been filed by A2 namely Thirumalai Balaji on the ground that one Vellaiyappan and the State Secretary of Vishwa Hindu Parishat was murdered, one Baskaran was arrested; At that time, as a preventive measure, the police arrested the above said Baskaran, who is working



4. Heard both sides.

<https://www.mhc.tn.gov.in/judis>



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evident from their own conduct. Such sort of offence cannot be lightly taken. The petitioner would not be permitted to say that they have exercised their democratic right. Democratic right cannot be exercised in such a manner. What they have done is clear violation of law. If they got any grievance over the above said arrest of the Baskaran, they ought to have made a demonstration or protest in a peaceful manner, certainly, they are not permitted to prevent the police from discharging their duty. If any person is arrested, it is the duty of the police official to discharge, whether to send remand or release him on bail, they have decided to remand, the above said Baksaran pending investigation in the above said crime.

6. So, I find no reason to exercise the discretionary power in favour of the petitioner. The offence of this nature cannot be lightly taken. It must be investigated to its logical end. The petitioner is directed to face the investigation process.



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7. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

19/06/2023

Index:Yes/No
Internet:Yes/No

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To,

1. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul Town.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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