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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 15/06/2023

CORAM

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

Cr1.OP (MD) No.10821 of 2022

- 1.Thinagarajan
- 2.Sahubar Sadiq
- 3.Gopalakrishnan
- 4.Muthumurugan
- 5.Naganatha Sethupathi
- 6.Balu
- 7.Kathiresan
- 8.Sivalingam
- 9.Manikandan
- 10.Palraj
- 11.Paramalai
- 12.Mohan Doss
- 13.Malairaj
- 14.Murugavel
- 15.Govindaraj
- 16.Thirunagalingam
- 17.Nanthagopal
- 18.Karupaiah
- 19.Sundar
- 20.Mohan
- 21.Gunasekaran
- 22.Santhanam
- 23.Thirumoorthi
- 24.Santhanam, s/o.Ochappan
- 25.Adhammoosha
- 26.Ramamoorthi
- 27.Chandrasekaran
- 28.Sudharsan
- 29.Subramaniyan
- 30.Senthooran
- 31.Karnan
- 32.Nagoor Kani
- 33.Ali Akbar



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34. Mohamed Satham Usain
35. Syed Ali
36. Jeyarani
37. Yasothai
38. Anitha
39. Devi
40. Selvi
41. Seetha
42. Kalimuthu
43. Thangam
44. Deivanai
45. Mullaikodi
46. Veeramahali
47. Sargunam
48. Ponirulu
49. Ponirulu, w/o. Kumaraiah
50. Panjavarnam
51. Irulayee
52. Neelavathi

: Petitioners/A1 to A52

Vs.

1. State rep. by its
The Inspector of Police,
Elanjambur Police Station,
Ramanathapuram District.
(Crime No.163 of 2021)

: R1/Complainant

2. Mr. Rajendran
Sub Inspector of Police,
Elanjambur Police Station,
Ramanathapuram District.

: R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.163 of 2021 on the file of the 1st respondent and quash the same as illegal as against the petitioners and pass such further or other orders.



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3

For Petitioners : Mr.K.Arunraj
For Respondents : Mr.K.Suresh Kumar
Government Advocate
(Criminal side)

ORDER

This criminal original petition has been filed seeking quashment of the First Information Report in Crime No.163 of 2021 on the file of the 1st respondent and quash the same as illegal as against the petitioners.

2.The case of the prosecution in brief:-

On 25/12/2021 at about 09.00 am, in the morning, when the police team, comprising the de-facto complainant and others were on their routine bundobust duty, the village people belonging to Melachirupothu Village gathered in that area in an unlawful manner and also made demonstration and protest, demanding compensation for the death of one Muthaiah due to electrocution. They have also demanded appointment in the Government Department for the legal of the above said Muthaiah. On the basis of the above said occurrence, a case in Crime No.163 of 2021 was registered for the offences under sections 143, 341, 353, 290, 291 and 506(i) IPC.



3. Seeking quashment of the same, this petition has been filed by the petitioners on the ground that none allegations mentioned in the FIR attract any of the ingredients alleged.

4. Heard both sides.

5. Reading of the FIR shows that the above said petitioners made a genuine demand seeking compensation for the death of one Muthaiah. They also alleged to have demanded job for one of the legal heirs of the deceased Muthaiah. Even though, the claim cannot *per se* legal, but the contention on the part of the prosecution is that without prior permission, they assembled in that area. It has not been stated that because of the protest and demonstration, as the case may be, either the public or traffic was affected.

6. In the absence of any such allegation or averment against the petitioners, I am of the considered view that what was exercised by them is a democratic way of demanding money from the Government. Their aim was not the unlawful activity, but to draw the attention of the



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



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6

G.ILANGOVAN, J

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