



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.23045 of 2023
and Crl.MP.No.16143 of 2023

M.Kathiravan

... Petitioner/Sole Accused

Vs.

1.State rep.by
The Inspector of Police
Town Police Station
Thiruvallur.
(Crime No.206 of 2022)

.. Respondent/Complainant

2.Mr.S.Pradeep Kumar
S/o.Selvaraj
Village Administrative Officer (I/C)
Thiruvallur Town
Thiruvallur District.

.. Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records of the FIR in Crime No.206 of 2022 dated 17.5.2022 pending on the file of the Thiruvallur Town Police Station, Thiruvallur District and quash the same.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1



ORDER

This petition has been filed to quash the FIR in Crime No.206 of 2022, pending investigation before the 1st respondent.

2.The case of the prosecution is that on 11.5.2022 at about 5.00 pm., near bust stand, the petitioner is said to have been distributed pamphlets to the students and had made highly derogatory remarks against the Minister of School Education. It is further stated that there were some false and derogatory contents in the pamphlet. The petitioner was said to be targeting the students and polluting their minds. Based on the complaint given by the 2nd respondent, an FIR came to be registered in Crime No.206 of 2022 on 17.5.2022, for the offences under Sections 117, 108A, 109, 120B, 153A, 290 and 504 IPC.

3.The 1st respondent has filed a counter affidavit and has justified the registration of the FIR on the ground that the petitioner had distributed pamphlets among the students which contained highly derogatory remarks which might have resulted in incitement against the Government. Therefore, the 1st respondent has justified the registration of FIR.

4.This Court has carefully considered the submissions made on either side and the materials available on record.



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5.In the considered view of this Court, the petitioner had expressed his dissatisfaction regarding the prevailing school education. The petitioner might have used some strong words in the pamphlet that was distributed to the students. However, even if the allegations are taken as it is, no offence has been made against the petitioner and no useful purpose will be served in continuing with the investigation in this case and the facts of the present case can also be brought within the scope of Section 95 of IPC.

6.In the light of the above discussion, the investigation in Crime No.206 of 2022 dated 17.5.2022, pending on the file of the 1st respondent is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

15.02.2024

KP

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Inspector of Police
Town Police Station, Thiruvallur.

2.Mr.S.Pradeep Kumar
Village Administrative Officer (I/C)
Thiruvallur Town, Thiruvallur District.

3.The Public Prosecutor,
High Court of Madras, Madras.



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N. ANAND VENKATESH, J.

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