



WEB COPY



Crl.O.P.(MD)No.17491 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17491 of 2024

and

Crl.M.P(MD) No.10892 of 2024

R.Balakrishnan

.. Petitioner

Vs

1. The Inspector of Police
Alangulam Police Station
Tenkasi District

2. S.Govindharaj
Sub Inspector of Police
Alangulam Police Station
Tenkasi District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No.213 of 2024 on the file of Inspector of Police, Alakulam Police Station, Tenkasi District and the quash the same.

For Petitioner : Mr.S.Kasirajan

For Respondents : Mr.K.Sanjai Gandhi
No.1 Government Advocate(Crl.Side)



Crl.O.P.(MD)No.17491 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the proceedings in Crime No.213 of 2024 on the file of Inspector of Police, Alakulam Police Station, Tenkasi District.

2. The case projected against the petitioner is that the petitioner along with other accused on 16-05-2024 at approximately 12:15 PM, engaged in a protest related to a dispute concerning the paying of respects. Further the issue arose when 31 men and 23 women went to the Alankulam Taluk Office to raise concerns about a government building under construction near the South Madasami Temple, which had been allegedly affected by the Konar and Parayar communities, encroaching upon the temple site. When the Tahsildar exited the office, all the individuals gathered in front of the Taluk Office on the Tirunelveli to Tenkasi road, causing a disruption to public movement and transportation. The police, present at the scene, advised the protesters to disperse peacefully, but when the crowd failed to comply, the police took necessary action to remove the protestors. Hence the case came to be registered.

3. The contention of the petitioner is that the petitioner has been mistakenly implicated in this case. On information complaint had been



lodged and there is no incident after the protest to show that the public were restrained from going to their destination they intended and no untoward incident happened. The learned counsel appearing for the petitioner would further submit that the facts of the case are exactly similar to the case covered in the decision reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in the case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other** in batch of cases in **Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019**

4. The learned Additional Public Prosecutor would submit that the petitioner and others had held protest without getting any permission from the concerned officials. He would fairly submit that this Court in similar grounds quashed the proceedings based on the citations referred by the learned counsel appearing for the petitioners.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



WEB COPY



Crl.O.P.(MD)No.17491 of 2024

6. Perused the materials on record

7.The facts of this case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.**

8. In the result the Criminal Original Petition stands allowed and the proceedings in Crime No.213 of 2024 on the file of Inspector of Police, Alakulam Police Station, Tenkasi District is hereby quashed not only against the petitioner but against all the other accused, who are also similarly placed. Consequently, connected miscellaneous petition is closed.

18.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav



Crl.O.P.(MD)No.17491 of 2024

To

WEB COPY

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



WEB COPY



Crl.O.P.(MD)No.17491 of 2024

M.NIRMAL KUMAR,J.

aaav

Crl.O.P.(MD)No.17491 of 2024

18.12.2024