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Crl.O.P.No.9408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.03.2025**

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9408 of 2025

A.Rajesh

... Petitioner

Versus

1.The State rep.by
Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai-600 118
(Crime No.204 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the F.I.R. No.204 of 2017 dated 23.01.2017 pending on the file of the respondent police i.e.P6-Kodungaiyur Police Station, Chennai.

For Petitioner : Mr. K.Sasindran

For Respondent : Mr. A. Gopinath,
Government Advocate (Criminal Side)



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ORDER

Based on the Government Order issued in G.O.(Ms).No.99, Home (Courts – IV) Department, dated 20.02.2021, regarding the withdrawal of cases registered during the year 2017 against the “Jallikattu Protest”, this Court, by order dated 17.10.2024, in Crl.O.P.No.23259 of 2024, passed the following order:-

“Protesting against the ban of Jallikattu, there was wide spread agitation and the petitioner is one of the accused in C.C.No.274 of 2017, in one such case registered by the respondent police for offences under Section 147, 148, 188, 341, 353, 149 of IPC and Section 7(1)(a) of Criminal Law Amendment Act, 2005.

2. The learned counsel appearing for the petitioner submitted that in the year 2021, the Government has passed G.O.(Ms).No.99 of Home (Courts-IV) Department dated 20.02.2021 withdrawing the cases registered against Jallikattu protesters. Out of 308 cases shown as withdrawn, this Crime number due to over sight is not included. Therefore, he is before this Court to quash the complaint.



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3. *The learned Government Advocate (Crl.Side) appearing for the respondent police, on verifying the records, states that this case is not included in G.O.Ms.No.99 dated 20.02.2021, however cases registered under similar sections were withdrawn. He further states that the final report not filed in the case against accused. Similarly placed accused been withdrawn by the State through G.O.Ms.No.99.*

4. *This Court is of the view that applying the rule of parity, the case against this petitioner is liable to be quashed. Hence this Criminal Original Petition is allowed. Crime No.274 of 2024 stands quashed.”*

2. In view of the above, the F.I.R in Crime No.204 of 2017, registered as against the petitioner, for the offences under Sections 341, 147, 148, 435, 294(b) and 506(2) of the Indian Penal Code,(IPC), 1860 and Section 4 of the Tamil Nadu Public Property (prevention of damage and loss) Act, 1992, by the respondent Police, is hereby quashed.



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3. With the above observations, this Criminal Original Petition is
allowed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

klt



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To

- 1.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai-600 118
(Crime No.204 of 2017)
- 2.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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