

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.12.2020**

CORAM:

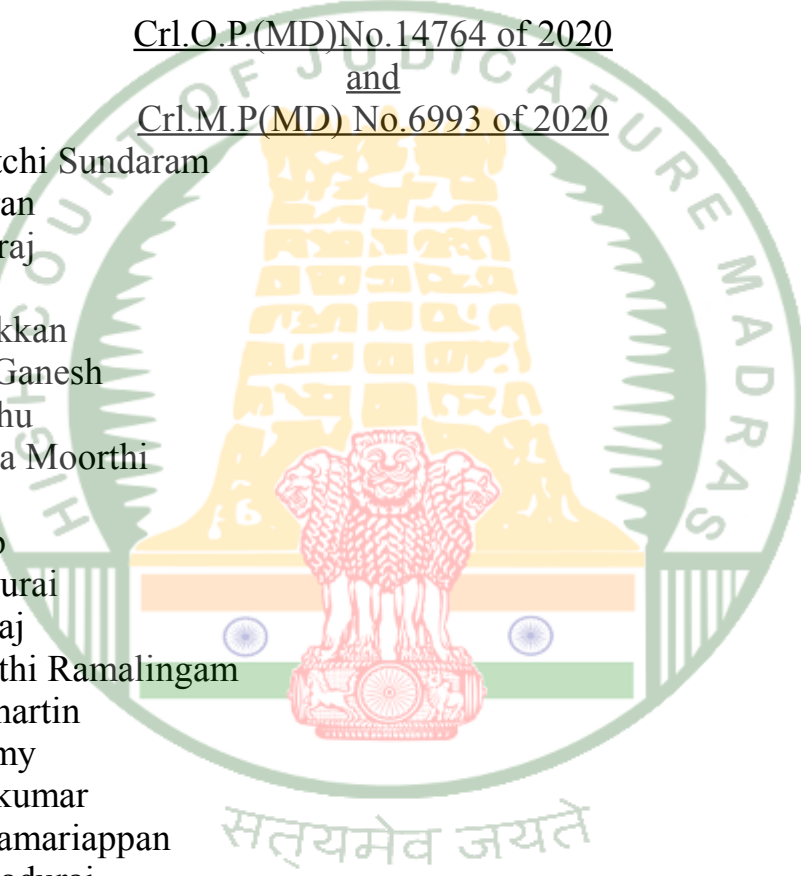
**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

CrI.O.P.(MD)No.14764 of 2020

and

CrI.M.P(MD) No.6993 of 2020

- 1.M.Meenatchi Sundaram
- 2.B.Rajendran
- 3.S.Murugaraj
- 4.I.Velmani
- 5.V.Tharmakkan
- 6.S.Sankar Ganesh
- 7.P.Kalimuthu
- 8.P.Narayana Moorthi
- 9.V.Velraj
- 10.A.Skylab
- 11.I.Vella Durai
- 12.G.Selvaraj
- 13.G.Jagajothi Ramalingam
- 14.P.Jamesmartin
- 15.Lordusamy
- 16.S.Vijayakumar
- 17.B.Thangamariappan
- 18.M.Chinnadurai
- 19.M.Marimuthu
- 20.R.Kannan
- 21.T.Ramesh
- 22.M.Rathina Kumar
- 23.R.Vellaikutty
- 24.P.Ilango
- 25.V.Marimuthu



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Petitioners/Accused Nos.1  
to 25

vs.

1.The Inspector of Police,  
Srivilliputhur Town Police Station,  
Virudhunagar District.  
(Crime No.67 of 2019)

Respondent No.1/  
Complainant

2.Mr.Nagaraj  
Sub-Inspector of Police,  
Srivilliputhur Town Police Station,  
Virudhunagar District

Respondent No.2/Defacto  
Complainant

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.67 of 2019 dated 28.01.2019, on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For R1 : Mr.V.Neelakandan  
Additional Public Prosecutor

**ORDER**

This petition has been filed to quash the First Information Report registered by the respondent police in Crime No.67 of 2019 dated 28.01.2019, as against the petitioners for the offences under Sections 147, 504, 505(1)(b), 341, 353, 294(b), 151, 153, 290, 506(ii) IPC and Section 7(1)(a) of Criminal Law Amendment Act, 2005.

2.The allegation in the FIR is that on 28.01.2019, the present

petitioners participated in a protest against the Government in the name of JACTO JIO-Joint Action Council of Tamil Nadu Teachers Organization – Government Employees Organization, demanding their rights at Aruppukottai and they raised slogans against the Government and without obtaining proper permission under Section 30(2) of the Police Act, they formed an unlawful assembly causing hindrance to the traffic and general public and when the police questioned them, they abused the police personnel in filthy language and threatened them with dire consequences. Therefore, the FIR has been filed against the petitioners for the abovesaid offences.

3.The learned counsel for the petitioners would state that the petitioners participated in the protest in a peaceful manner without hindrance to the public and their main grievance was reverting to old pension scheme. He would further state that mere violation of Section 30(2) of the Police Act, 1891, will not make out an offence under Section 143 IPC and the petitioners made protest only in a peaceful and democratic manner by exercising their minimum rights that are guaranteed to an ordinary citizen and no violence or untoward incident

had happened. Hence, he would pray to quash the FIR. In support of his contentions, he would rely on a decision reported in 2018 (2) K.W. (Crl) 606, Jeevanantham vs. State.

4.The learned Additional Public Prosecutor would state that since the petitioners made protest in the name of JACTO-JIO and raised slogans against the Government causing disturbance to the traffic and general public, the above FIR came to be registered and after investigation, the respondent/police filed charge sheet before the learned Judicial Magistrate No.II, Srivilliputtur, and the same has been taken on file in C.C.No.521 of 2020 and the case has been posted to 11.01.2021. He would fairly state that no violence or untoward incident had taken place.

5.Replying to the above submissions, the learned counsel for the petitioners would state that even if the charge sheet is filed, this Court exercising its inherent powers under Section 482 Cr.P.C., can quash the FIR and to the said proposition, he would rely on the judgment of the Hon'ble Supreme Court in Anand Kumar Mohatta and another vs. State

(Govt of NCT of Delhi) Department of Home and another, reported in (2019) AIR (SC) 210.

6.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor.

7.Here in the present case, the petitioners have gathered and made protest in the name of JACTO-JIO demanding their rights. The learned Additional Public Prosecutor would fairly state that no violence or untoward incident had taken place.

8.If assembly of persons who made protest expressing dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a ordinary citizen, are to be trifled by registering an FIR under Section 143 of IPC and filing a final report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution which has been echoed in the decision cited by the learned counsel for the petitioners reported in 2018 (2) K.W.

(Crl) 606, Jeevanantham vs. State.

9. Though the learned Additional Public Prosecutor contended that the charge sheet has been filed and the same has been taken on file in C.C.No.521 of 2020, I am inclined to quash the impugned proceedings following the judgment in Anand Kumar Mohatta and another vs. State (Govt of NCT of Delhi) Department of Home and another, reported in (2019) AIR (SC) 210, which reads as follows:-

"28. It is necessary here to remember the words of this Court in State of Karnataka v. L. Muniswamy and others which read as follows: -

7. ..In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice."

10. In view of the above discussion and the above judgment, there will be no fruitful purpose in allowing the criminal proceedings to

continue. Accordingly, the criminal proceedings in C.C.No.521 of 2020 on the file of the learned Judicial Magistrate No.II, Srivilliputtur, in Crime No.67 of 2019 on the file of the 1<sup>st</sup> respondent/police are quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

15.12.2020

Index: Yes/No  
Internet: Yes/No  
bala/vrn

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

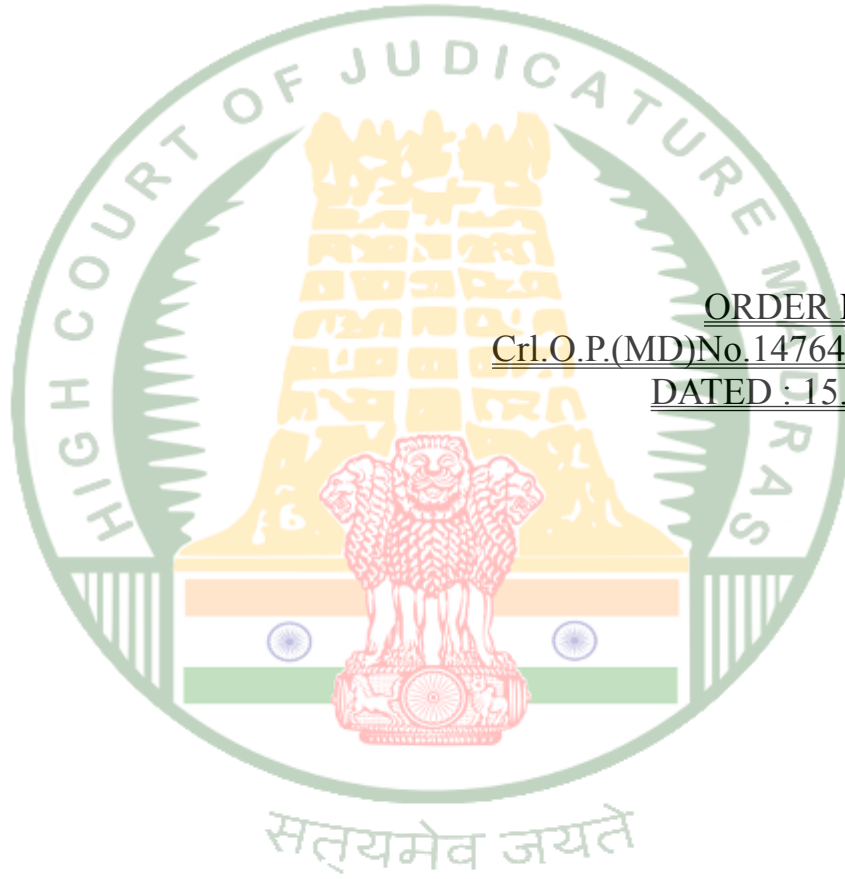
To

- 1.The Inspector of Police,  
Srivilliputhur Town Police Station,  
Virudhunagar District.  
(Crime No.67 of 2019)
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl.O.P.(MD)No.14764 of 2020

J.NISHA BANU. J.

bala/vrn



ORDER MDE IN  
Crl.O.P.(MD)No.14764 of 2020  
DATED : 15.12.2020

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