

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.2619 of 2016

and Crl.M.P.Nos.1370 and 1371 of 2016

1.Siva Prakash

2.Pandiyan @ Sendhura Pandian

.. Petitioners/Accused 1 and 4

Vs.

State rep. by
The Station House Officer
D.Nagar police station
Puducherry.
Crime No.138 of 2012

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records in STC No.1515 of 2015 on the file of the learned Judicial Magistrate No.I, Puducherry and quash the same.

For Petitioners :Mr.I.Paul Noble Devakumar

For Respondent :Mr.V.Balamurugane
Additional Public Prosecutor
(Puducherry)

O R D E R

This petition is filed for quashing the proceedings in STC No.1515 of 2015 on the file of the learned Judicial Magistrate No.I, Puducherry.

2.The learned counsel for the petitioners submits that the petitioners, who are arrayed as accused 1 and 4, are students. It is alleged that the petitioners along with other students have been demanded to release their scholarship amount and they sent a proposal seeking block sanction of the Government. Since the amount has not been sanctioned, the students attempted to conduct a road roko and hence, the case has been registered in Crime No.138 of 2012 for the offences punishable under Sections 143, 342, 186 IPC read with 149 IPC. He further submits that the petitioners are nothing to do with the alleged offences and they have been falsely implicated in this case. So the ingredients of the offences under Sections

143, 342, 186 read with 149 IPC have not been made out. Hence, the petitioners have come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that averment in the complaint itself clearly shows that the ingredients of the said offences have been made out. Therefore, he prays for dismissal of this petition.

4.Heard both sides and perused the typed set of papers.

5.A perusal of F.I.R. reveals that the petitioners, who are students, along with other students demanded to release their scholarship amount by conducting a road roko. It was specifically mentioned in the F.I.R. that "about 50 students of Tagore Arts College have locked the office gate on 22.03.2012 at about 10.30 a.m. without any intimation demanding to release their scholarship amount immediately". Thereafter, it was informed that the students dispersed. Furthermore, the students were demanding only the scholarship amount to which they were eligible. Since there was a delay in releasing the scholarship amount, the students with a view to draw the attention of the Government, conducted the road roko. In such circumstances, if the case is prosecuted, it will affect the future of the students.

6. Considering the aforesaid facts and circumstances, I am of the view, ingredients of the offences under Sections 143, 342, 186 read with 149 IPC have not been made out. Therefore, I am inclined to quash the proceedings in S.T.C.No.1515 of 2015. Accordingly, the proceedings in STC No.1515 of 2015 on the file of the learned Judicial Magistrate No.I, Puducherry, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

kj

To

1.The Judicial Magistrate No.I, Puducherry.

2.The Station House Officer
D.Nagar police station

Puducherry.

3.The Public Prosecutor, High Court, Puducherry.

+1 cc to M/s.I.Paul Noble Devakumar, Advocate, sr.18062

Crl.O.P.No.2619 of 2016
and Crl.M.P.Nos.1370 and 1371 of 2016

ad co
kra 04.04.2016



WEB COPY