

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35177 of 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of Certiorari to call for the records pertaining to F.I.R.No.142 of 2016 on the file of the third respondent and to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the case was registered against the petitioners and the other accused on the allegation that they conducted Dharna by forming unlawful assembly and that the same was conducted without any valid permission from the police personnel when Section 30 of the Police Act is in force and thereby they have caused inconvenience to the general public and traffic jam on the main road. He further submits that the petitioners have conducted Dharna requesting the Government not to change the police station from the place where it is in existence and that the Government also promised the villagers to take into consideration their request and that there are no untoward incidents happened during the course of Dharna. He further submits that there was no proclamation that Section 30 of the Police Act is in force and as such, the petitioners and other accused are not aware of the force of Section 30 of the Police Act and as such, they did not take the permission from the police personnel for conducting Dharna. Hence, he prays this Court to quash the F.I.R.

Considering the facts and circumstances of the case, this Court is not inclined to quash the F.I.R., at the threshold. However, the third respondent is directed to complete investigation without arresting the petitioners and file final report, if any, in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

19.10.2016
pln

