

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

CRL.O.P.No.21756 of 2010

and

M.P.No. 1 of 2010

Karuppasamy

.. Petitioner

Vs.

1. State represented by

The Sub-Inspector of Police,
B-1, North Beach Police Station,
Chennai City

2. S.K.M.Yusuf,

President,

Burma Thamizhar Marumalarchi Sangam,

R.R.Complex,

No.68, Moore Street, Room No.58,

Chennai - 1

... Respondents

Prayer: Criminal Original Petition was filed under Section 482 of Cr.P.C to call for the records and quash the proceedings pending against the petitioner in C.C.No. 2519 of 2000 on the file of learned VII Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.H. Rajasekar

For Respondent : Mr. B. Ramesh Babu (for R1)
Government Advocate(Crl. Side)

No Appearance (for R2)

O R D E R

This criminal original petition is preferred by the Petitioner/Accused No.32 against the proceedings pending in C.C.No.2519 of 2000 on the file of the learned VII Metropolitan Magistrate, George Town, Chennai for the alleged offences under section 147,148,149 and 506(ii) of IPC.

2.I heard Mr.H.Rajasekar, learned counsel for the petitioner and Mr.B.Ramesh Babu, learned Government Advocate (Criminal Side) for the 1st respondent and perused the entire materials available on record. No representation on behalf of the 2nd respondent.

3.Brief case of the Peitttioner/Accused No.32:

The allegations as per the charge sheet is that on 22.02.2000, the petitioner and other accused, being members of The Tamil Cinema Protection Force came to Burma bazaar with weapons and extended threats for selling pirated VCD/CD of the Tamil Film 'He Raam' and thereby committed offences punishable under sections 147,148,149 and 506(ii) of IPC.

4.The learned counsel for the petitioner/accused No.32 submits that the entire charge sheet and the connected documents do not disclose any specific offence against any of the accused. The allegations are too general and too vague to warrant any charge being framed against the petitioner, or for that matter, against any of the accused.

5.The learned counsel for the petitioner/accused No.32 submits that the entire material placed before the learned lower court do not prima-facie disclose that the gathering was either unlawful within the meaning of section 141 of IPC or there was rioting within the meaning of section 146 of IPC to warrant a charge under section 147, 148 or 149 of IPC.

6.The learned counsel for the petitioner/accused No.32 submits that the entire material filed before the learned lower court do not prima-facie disclose the commission of any offence of criminal intimidation as defined in section 503 of IPC.

7.The learned counsel for the petitioner/accused No.32 submits that the entire material filed before they do not contain any document about the petitioner being a member of the said organization 'Tamil Cinema Protection Force' or any specific roll assigned to the petitioner.

8.The learned counsel for the petitioner/accused No.32 submits that even if the entire material filed by the prosecution is admitted to be true, what is disclosed is a group of people exhorting the traders of the Burma bazaar not to commit the illegal act of selling pirated VCD/CD.

9.It is made clear that the case where prima-facie no offence appears to have been committed is pending before the lower court for 11 years with no reason attributable to the petitioner which is in contravention of the right to speedy trial guaranteed under Article 21 of the Constitution of India and on this ground the continuance of the proceedings against the petitioner cannot be permitted.

10.On the one count there is no prima-facie made out against the petitioner and on the other count the proceedings are vitiated being against the constitutional guarantee of right to speedy trial and on both these counts the proceedings are liable to be quashed.

11.In the case on hand, admittedly as per the report and the documents annexed thereto, no offence is made out against the petitioner/accused.

12.In the result, this criminal original petition is allowed and proceedings pending in C.C.No.2519 of 2000 on the file of the learned VII Metropolitan Magistrate, George Town, Chennai is hereby quashed. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vs
To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. Do Thro The Chief Metropolitan Magistrate
Chennai.
3. The Sub Inspector of Police
B1 North Beach Police Station
Chennai.
4. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.M.H.Rajasekar, Advocate sr 24965

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M.P.No. 1 of 2010

RJ(CO)
SP(18/03/2019)