

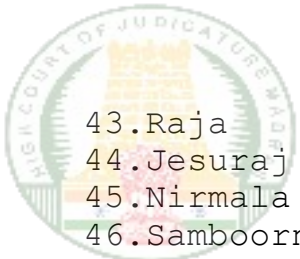


BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.08.2018
CORAM
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

CrI.O.P.(MD) No.326 of 2014
and
M.P.(MD).Nos.1 and 2 of 2014

- Sebasthiyan(died)
1.T.M.Irudhyaraj Fernando
2.Julius Arulrayan
3.Thomas John Peter
4.Jesulogadoss
5.Savariyar
6.Kolkar Sebasthiyar
7.Kovilpillai Arockiyasamy
8.Saviour
9.Loordsamy Jesuraj
10.Esakki @ Esakku
11.Steephan @ Sebasthiar
12.Arokkiyasamy
13.Doss
14.Jesuraj
15.Jesurai
16.Mariyappan
17.Sebasthiyar
18.Arockiyadoss
19.Panneerselvam
20.Sebasteen
21.Manohar
22.Sebasthiyan
23.Mariya Jacob
24.Kasbar
25.Sebasthiyan
26.Anthoni
27.James
28.Jesumani
29.Savarimuthu
30.Xaviour
31.Issac
32.Devaraj
33.Santhiyagu
34.Thomaiyar
35.Joseph Sekar
36.Jeyarld Fernandes
37.Sabesvel
38.Sagayam
39.Siva
40.Divyan
41.Anthoni Vijayan
42.Sebasthiyan



43.Raja
44.Jesuraj
45.Nirmala
46.Samboornam
47.Kulandhai Therasu
48.Jeyarani
49.Anna Mary
50.Sakayamary
51.Rosali
52.Powlin Mary
53.Anthoniammal
54.Rosilin
55.Mathalai Mary

... Petitioners/Accused

-Vs-

1.State rep by
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
(Cr.No.252 of 2009)
(On the file of Ambathurai
Police Station, Dindigul)

2.The Sub Inspector of Police,
Ambathurai Police Station,
Dindigul District.

... Respondents No.1 & 2/
Complainants 1 & 2

3.S.Ganesan(V.A.O)
S/o.Raman
Village Administrative Office,
A.Vellade,
Dindigul District.

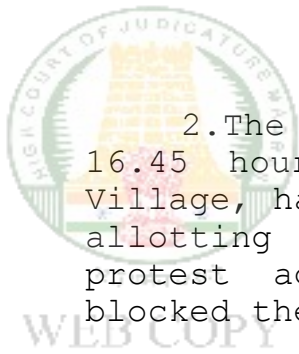
... Respondent No.3/Informant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to quash the charge sheet in S.T.C.No.42 of 2010 on the file of the Court of the Judicial Magistrate No.III, Dindigul.

For Petitioners	: Mr.R.Nandakumar
For R1 & R2	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate(Crl.side).
For R3	: Tapal Returned

ORDER

Having been taken cognizance of the offence under Sections 143 and 341 IPC, against the petitioners herein, they have come forward with the present petition.



2.The case of the prosecution is that on 22.07.2009 at about 16.45 hours, the petitioners, who belonged to Cirunayakanpatty Village, have assembled and protest against the Government Scheme of allotting land to the blind near St.Thomayar Church. In order to protest against the said Scheme, the petitioners/accused have blocked the NH-7 Road at Pusphakiri Coffee Kodai Shop.

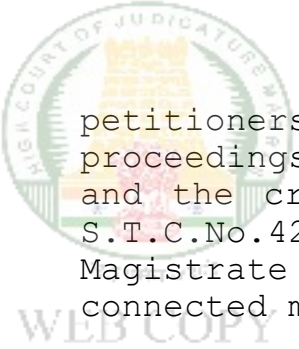
3.The learned counsel appearing for the petitioners would contend that on receiving information from Thalayari about the protest near Pusphakiri Coffee Shop, the Village Administrative Officer has informed the same to the respondent police and a case has been registered against the petitioners. He would further contend that except the official witnesses, no other individual persons have been examined to prove the case of the prosecution. He would further contend that there is absolutely no material to prove the charge against the petitioners and among the petitioners, A2, A3 and A4 are the Parish Priest and they were not belonged to Cirunayakanpatty Parish council. He would further contend that all the accused persons were not present in the scene of occurrence as alleged by the prosecution and after warning of the Police Officials, the petitioners were dispersed from the place of occurrence. He would further contend that the petitioners assembled only to protest the action of the Government and not involved in any of the criminal activities. Further, there is absolutely no specific overt act against the petitioners. Further the offence under Section 341 IPC could not attract as against the petitioners, since there is absolutely no material to make out the case for the offence under Section 341 IPC. Therefore, he prayed for quashing the entire criminal proceedings.

4.The learned Government Advocate (Crl.side) would submit that all the petitioners were assembled and protest against the Government Scheme for allotting the land to the blind. Therefore, they blocked NH-7 Road at Pusphakiri Coffee shop. Hence, he prayed for dismissal of this petition.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the State.

6.It is seen that the charge is very simple in nature. Admittedly, the petitioners were assembled and protest as against the the Government Scheme for allotment of land to the blind. Admittedly, there is no other allegations against the petitioners. In respect of the offence under Section 341 IPC, there must be wrongfully restrained. Admittedly, the petitioners did not obstruct anybody, so as to prevent the said persons from proceedings in any direction. Therefore, the offence under Section 341 IPC is not all attracted. Further, the petitioners assembled only to protest the Government scheme, which would not amount to unlawful assembly.

7.therefore, taking into consideration of the nature of charge against the petitioners and nature of allegations against the



petitioners, this Court is inclined to quash the criminal proceedings. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings initiated against the petitioners in S.T.C.No.42 of 2010 on the file of the Court of the Judicial Magistrate No.III, Dindigul, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Judicial Magistrate No.III,
Dindigul.
- 2.The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
- 3.The Sub Inspector of Police,
Ambathurai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.A.ARUL JENIFER, Advocate, SR.No. 81685

Crl.O.P.(MD) No.326 of 2014
and
M.P.(MD).Nos.1 and 2 of 2014
31.08.2018

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ES/PM/SAR 1/26.09.2018/4P/6C