

IN THE HIGH COURT OF JUDICATURE AT MADRAS

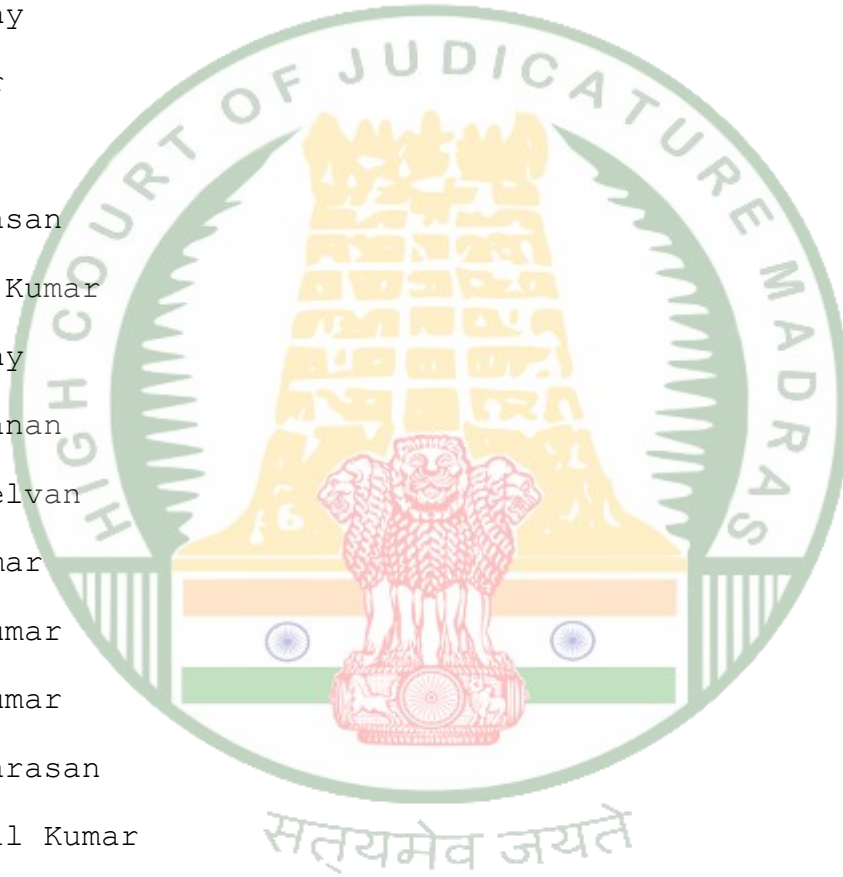
DATED : 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.18293 of 2019
and CrI.M.P.Nos.9278 & 9279 of 2019

1. Umapathy
2. Iyyanar
3. Yuvaraj
4. Elavarasan
5. Barath Kumar
6. Umapathy
7. Lekshmanan
8. Kalaiselvan
9. Sivakumar
10. Premkumar
11. Sivakumar
12. Kalaiarasan
13. Senthil Kumar
14. Ravanan
15. Marimuthu
16. Manogar
17. Sugumaran
18. Arunkumar
19. Prabakaran



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20. Arunkumar

21. Veeramuthu

22. Karthick

23. Tamil

... Petitioners

Vs.

The State rep. by
Inspector of Police,
F-1, Chintadaripet Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.5089 of 2018 on the file of the XIV Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.5089 of 2018, pending on the file of the learned Judicial Magistrate XIV, Egmore, Chennai.

2. The case of the prosecution is that, all these petitioners had formed into an unlawful assembly and without any permission from the police, had gathered near the District Collector's office and conducted road roko and thereby caused hindrance to the general public and also prevented the police from discharging their public duty.

3. When the case came up for hearing, this Court directed each of the petitioner to file an affidavit before this Court undertaking not to indulge in similar practice in future. Individual affidavits have been filed before this Court and each of the petitioner has undertaken that they have high regard to the police force and that they will not disturb the police force from discharging their public duty. The undertaking given by the petitioners is hereby recorded.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioners

should strictly abide by undertaking given by them before this Court and if at all the petitioners want to take up any cause and conduct agitations, they should get prior permission of the police and thereafter conduct any agitation.

5. This Court has carefully considered the submissions made on either side and also the materials available on record.

6. In view of individual affidavits filed by the petitioners and the undertaking given before this Court, this Court is of the considered view that, no useful purpose will be served in keeping the proceedings pending. This Court is also taking into consideration the fact that the entire incident happened in a spur of the moment and there was no pre-meditation and the offence in question is also very minor in nature.

7. In the result, proceedings in C.C.No.5089 of 2018, on the file of the XIV Metropolitan Magistrate, Egmore, Chennai is hereby quashed. This Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The XIV Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
F-1, Chintadaripet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Thirumoorthy Advocate, S.R.No.65395
NRJK(CO)
CB(24/09/2019)

CrI.O.P.No.18293 of 2019
and CrI.M.P.Nos.9278 & 9279 of 2019