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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.32540 of 2019
and
CRL.M.P.No.17921 of 2019

M.Prem @ Premkumar

... Petitioner

Vs.

1.State Rep by
The Inspector of Police
B-1, North Beach Police Station,
Chennai.

2.Pannerselvam
B-1, North Beach Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to in CC.No.1757 of 2017 on the file of the VIIth Metropolitan Magistrate, George Town Court, Chennai.

For Petitioner : M/s.K.Bharathi

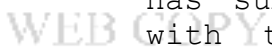
For R1 : Mr.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction, to call for the records relating to in CC.No.1757 of 2017 on the file of the VIIth Metropolitan Magistrate, George Town Court, Chennai.

2.The case of the prosecution is that on 23.01.2017 at about 11.00 a.m., at Varadharajar Street, Rajaji Salai, Chennai, the petitioner herein, and five other accused persons unlawfully assembled with deadly weapons and did road roko and raised slogans not to take action against the persons who are opposing the ban of Jallikattu and hence they are liable to be punished for the offences under Sections 147, 148 and 353 of IPC.

3.The learned counsel appearing for the petitioner has submitted that the petitioners have not committed any offence. He further submitted that even if the allegations made in the FIR and Charge sheet are taken as true at the face value, the



4.Per Contra, the learned Additional Public Prosecutor has submitted that the FIR and other documents filed along with the final report would prima facie show that the petitioner and five others have committed the offences punishable under Sections 147, 148 and 353 of IPC and hence charge sheet cannot be quashed.

6. Further, independent witnesses also not examined. Under the said circumstances, this Court is of the view that the continuation of the proceedings against the petitioner would amount to abuse of process of the Court. Hence, this Court is inclined to allow this petition.

Sd/-

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gbi

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

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Bharathi, Advocate, S.R.No. 102387

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GN(23/01/2020)