

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.3129 of 2020

and

CRL.MP.No.1846 of 2020

N. Jeevanandham ...Petitioner/Accused (A10)
Vs.

1.State rep by
The Inspector of Police,
Nagore Police Station,
Nagore,
Nagapattinam District.

2.Kalaiarasan ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records of the Charge sheet filed in STC.No.447 of 2019 dated 16.07.2019 on the file of Judicial Magistrate-II, Nagapattinam and quash the same so far as petitioner/accused is concerned.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed by the Accused No.10 to quash the proceedings against him in STC.No.447 of 2019 on the file of Judicial Magistrate No.II, Nagapattinam.

2. The learned counsel for the petitioner has submitted that as per the FIR, the petitioner and 48 accused persons were assembled in front of the Collector Office of Nagapattinam on 28.01.2019 at about 11.00 a.m., and tried to seige the Collector Office and also prevented the public from going to the Collectrate. The police advised the aforesaid group of people to disperse and give way to the public who are going to the Collector Office, but the aforesaid persons have used obscene words and also criminally intimidated the police. He further submitted that it is highly unbelievable that all the 49 persons

have uttered the same words. He further submitted that the petitioner and other accused persons peacefully assembled before the Collector Office, Nagapattinam for the purpose of making demands with the Government with regard to their service conditions, but the first respondent after getting a report from the Special Sub-Inspector of Police, Nagapattinam, has registered an FIR and thereafter without examining any independent witness, has filed a charge sheet against the petitioner and 48 others and therefore, he prayed to quash the proceedings against the petitioner.

3. Per contra, the learned Additional Public Prosecutor has submitted that in the statement which has been recorded under Section 161(3) of Cr.P.C., the Special Sub-Inspector of Police, Nagapattinam, who is the defacto complainant in the aforesaid case, has categorically stated that all the 48 persons had unlawfully assembled in front of the Collectorate of Nagapattinam and prevented the public from entering into the Collector Office and also uttered obscene words against the police and also prevented the police from discharging their duty. A prima facie case is made out against the petitioner and therefore, he prayed to dismiss this petition.

4. In the charge sheet, the first respondent has stated that certain obscene words were used by the petitioner and 48 others against the police. It is very difficult to accept the said contention that all the 49 persons have used the same words against the police. Further, the petitioner and other accused persons have assembled in front of the Collectrate for demanding of their lawful rights. In the similar set of facts, this court in P. Karthikeyan Vs. State, by Inspector of Police, Namakkal Town Police Station, Namakkal in CrI.OP.No.22800 of 2019 dated 26.08.2019, has quashed the FIR on the ground that the registration of the FIR itself is an abuse of process of law.

5. Considering the aforesaid facts, this court is inclined to quash the proceedings against the petitioner in STC.No.447 of 2019 on the file of the Judicial Magistrate No.II, Nagapattinam. Accordingly, this petition is allowed. Consequently, connected miscellaneous petition is closed. The proceedings against the petitioner herein in STC.No.447 of 2019 on the file of the Judicial Magistrate No.II, Nagapattinam, is quashed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv

To

- 1.The Inspector of Police,
Nagore Police Station,
Nagore,
Nagapattinam District.
 - 2.The Judicial Magistrate-II,
Nagapattinam.
 - 3.The Public Prosecutor,
High Court,
Madras.
- +1 cc to Mr.M.S.Palanidamy, Advocate, S.R.No.12366

CRL.O.P.No.3129 of 2020
and
CRL.MP.No.1846 of 2020

BP (CO)
RN (21/05/2020)



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