

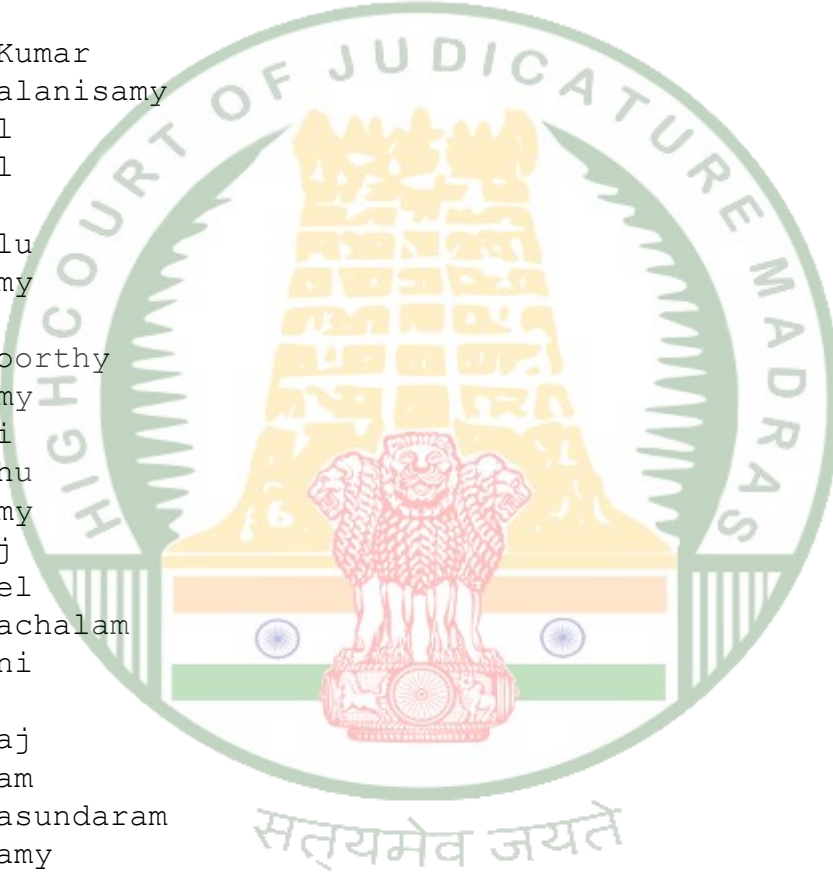
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.4195 of 2020 and
CrI.MP.Nos.2394 & 2397 of 2020

- 1.Thangaraj
- 2.Ganesan
- 3.Senthil Kumar
- 4.Raju @ Palanisamy
- 5.Palanivel
- 6.Kathirvel
- 7.Velusamy
- 8.Thangavelu
- 9.Palanisamy
- 10.Ganesan
- 11.Eswaramoorthy
- 12.Mayilsamy
- 13.Velumani
- 14.Marimuthu
- 15.Duraisamy
- 16.Selvaraj
- 17.Thangavel
- 18.Manthirachalam
- 19.Subramani
- 20.Eswaran
- 21.Dharmaraj
- 22.Shanmugam
- 23.Shanmugasundaram
- 24.Palanisamy
- 25.Sevalaraj
- 26.Sundar
- 27.Senthil Kumar



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... Petitioners/Accused

Vs.

State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District
(Crime No.975 of 2019)

... Respondent/Complainant

Prayer :-

This Criminal Original Petition is filed under Section 482 of Cr.P.C. praying to call for the records and quash the proceedings in STC.No.574 of 2019 on the file of the Judicial Magistrate, Palladam, Tiruppur District and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.M.Guruprasad

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to quash the proceedings in STC.No.574 of 2019 on the file of the Judicial Magistrate, Palladam, Tiruppur District having been taken cognizance for the offences under Sections 143 and 341 of IPC in respect of Crime No.975 of 2019 on the file of the respondent.

2. The case of the prosecution is that at around 11.30 a.m., after denial of permission to the petitioners for demonstration, they gathered together and illegally assembled against the Government near Kosavampalayam Road, Trichy Road Junction and blocked the vehicles passing through the said road. Based on the complaint the respondent registered case for the offences under Sections 143 and 341 of IPC as against the petitioners herein. After completion of investigation, the respondent filed final report and the same has been taken cognizance for the offences under Sections 143 and 341 of IPC as against the petitioners in STC.No.574 of 2019 on the file of the Judicial Magistrate, Palladam, Tiruppur District.

3. It is seen that all the petitioners are agriculturists, they planned for demonstration to show their protest against the arrest of five farmers' association leaders on 13.09.2019. In fact, their permission for demonstration was rejected by the Deputy Superintendent of Police. Thereafter, they condemned the action of the police officials and locked the road. Therefore, the ingredients to attract the offences under Section 143 of IPC are absent. It is relevant to extract the provisions under Section 143 of IPC read as follows:

143. Punishment.—Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Therefore, the petitioners were assembled for demonstration as

against the arrest of the farmers' association leaders by the police. Therefore, they have no intention to do any illegal activities. They assembled only to express dissatisfaction to the Government and claimed for minimum rights that are guaranteed to organisation. If such an assembly of persons are to be trifled by registering an FIR under Section 143 of IPC and filing a Final Report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution. Therefore, no offence is made out under Section 143 IPC as against the petitioner.

4. Insofar as the offence under Section 341 IPC is concerned, there is no iota of materials to attract the offence. It is seen from the charge there is no single overt act as against the petitioners that they restrained the defacto complainant or police officials or any one. In this regard, it is also relevant to extract the provisions under Section 341 of IPC as follows:

341. Punishment for wrongful restraint.—Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

5. According to the case of the prosecution, on 16.09.2019, the petitioners gathered together and blocked the road and also caused disturbance to the traffic. Except the said bald and vague allegations, there is no specific allegations as against the petitioners to attract the offences under Sections 341 of IPC. Therefore, the entire proceedings is nothing but clear abuse of process of court, and it cannot be sustained as against the petitioners.

6. Accordingly, this Criminal Original Petition is allowed, and the entire proceedings in STC.No.574 of 2019 on the file of the Judicial Magistrate, Palladam, Tiruppur District is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

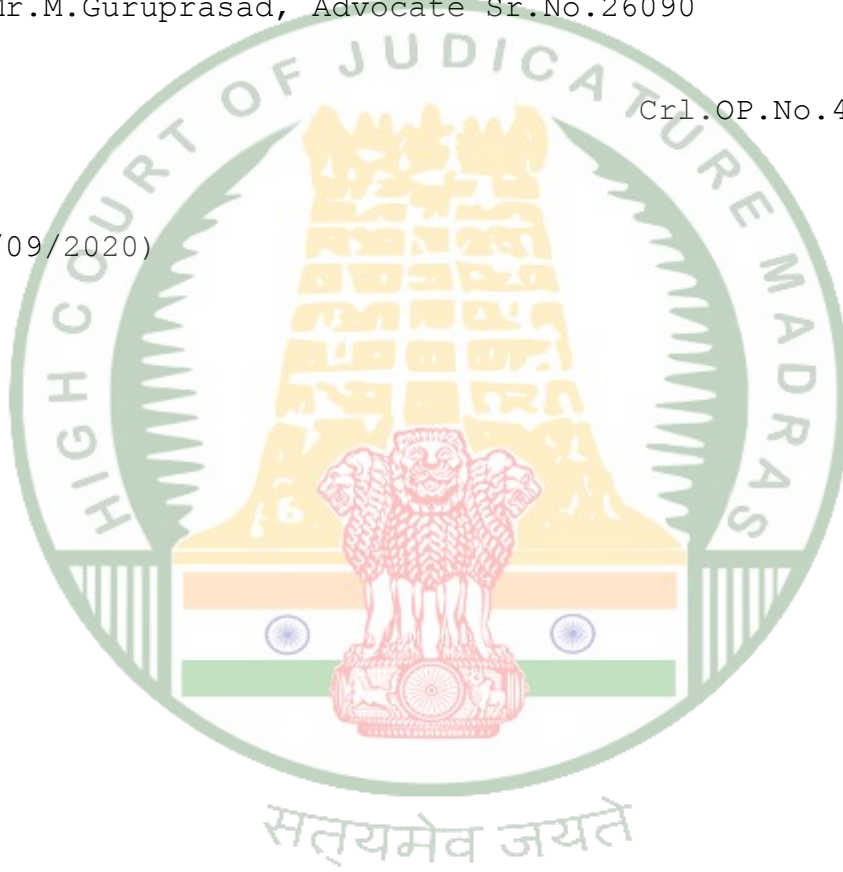
To

1. The Judicial Magistrate,
Palladam, Tiruppur District.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.M.Guruprasad, Advocate Sr.No.26090

Crl.OP.No.4195 of 2020

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