



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD) No.15395 of 2020

and

Crl.M.P (MD) Nos.7485 and 7486 of 2020

WEB COPY

- 1.M.Selvakumar
- 2.B.Pichai
- 3.R.Krishnakumar
- 4.L.Muthuraman
- 5.N.Elango @ Ilango
- 6.R.Prabakaran
- 7.I.Jeyapal
- 8.T.Samuvel
- 9.P.Pandi
- 10.N.Palaniyappan
- 11.R.Muthuchamy
- 12.N.Arunagiri

Petitioners/Accused Nos.1, 3 to 5, 7 to 13 & 15

Vs.

- 1.State rep., by Special Sub-Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(In Crime No.45/2019)

2.Sakthivel

Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in C.C.No.495 of 2019 on the file of the learned Judicial Magistrate Court No.1, Sivagangai District in Crime No.45 of 2019 dated 25.01.2019 on the file of the first respondent insofar as the petitioners/accused Nos.1,3 to 5, 7 to 13 and 15 concerned and quash the same as illegal.

For Petitioner : Mr.I.Pinaygash
For 1st Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the charge sheet in C.C.No.495 of 2019 on the file of the learned Judicial Magistrate Court No.1, Sivagangai District in Crime No.45 of 2019 dated 25.01.2019 as against the petitioners for the offences under Sections 341, 143, 145, 147, 290, 353 and 506(ii) IPC.



2.The learned counsel for the petitioner would state that the allegation against the petitioners is that on 25.01.2019, the petitioners participated in a protest against the ruling Government in the name of JACTO JIO and they raised slogans against the Government and without obtaining proper permission under Section 30 (2) of the Police Act. On the basis of the complaint given by the second respondent, a case was registered against the petitioners and other persons by the first respondent in Crime No.45 of 2019 for the offences under Sections 341, 143, 145, 147, 290, 353 and 506(ii) IPC and charge sheet has also been filed before the Judicial Magistrate No.1, Sivagangai in CC.No.495 of 2019. The learned counsel would further state that on the face of FIR, it does not make out any offence and that the issue in the present case is covered by the decisions of this Court in **Jeevanantham vs. State** reported in **2018 (2) K.W. (Crl) 606**.

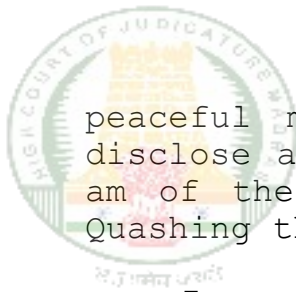
3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would state that on 25.01.2019, the petitioners participated in a protest against the ruling Government in the name of JACTO JIO, without obtaining proper permission under Section 30(2) of the Police Act and caused disturbance to the free flow of public and he would fairly state that no violence or untoward incident had taken place.

4.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor appearing for the 1st respondent.

5.In the decision relied on by the petitioners reported in **2018 (2) K.W. (Crl) 606, Jeevanantham vs. State**, this Court has held as follows:-

'In all the cases, the assembly of persons were made to express dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a ordinary citizen. 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.'

6.The above judgment is squarely applicable to the present facts and circumstances of the case. Though, there are *prima facie* materials to justify the registration of the First Information Report, I am of the view that its continuance is not warranted. This is because no untoward incident had taken place. The country had witnessed protests all over by different sections of people against various amendments. Since the protest was conducted in a



peaceful manner and even the First Information Report does not disclose any act of violence or happening of untoward incident, I am of the view that the continued prosecution is not warranted. Quashing the same will secure the ends of justice.

7. Accordingly, the impugned charge sheet in C.C.No.495 of 2019 on the file of the learned Judicial Magistrate Court No.1, Sivagangai District in Crime No.45 of 2019 is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Judicial Magistrate Court No.I,
Sivagangai District.
- 2.The Special Sub-Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.15395 of 2020

22.12.2020

MJ (CO)

NR (09/02/2021) 3P : 4C