

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl. OP No.497 of 2021
and Crl. MP. Nos.253 & 254 of 2021

1. N.Venkatesh

2. D.Sivam ... Petitioners/Accused Nos.5 & 6
vs.

1. The State Rep. By Inspector of Police,
Race Course Police Station,
Coimbatore City.
(Crime No.67/2019)

2. T.Sivakumar
Inspector of Police,
C1- Katoor Police Station,
Law and Order,
Coimbatore City. Respondents/ Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in C.C.No.2304 of 2019 on the file of the Judicial Magistrate Court No.III, Coimbatore City, in Crime No.67 /2019 dated 28.01.2019 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr. T.Lajapathi Roy
For Respondents: Mr.C.Raghavan,
Government Advocate (Crl. Side)
for R1

ORDER

This petition has been filed seeking to quash the FIR registered by the respondent police as against 40 persons for an offence under Sections 143, 341, 353 of IPC and Section 7(1)(a) of Criminal Law Amendment Act, 2005, in Crime No.67 of 2019 and this impugned charge sheet was filed before the Judicial Magistrate Court No.III, Coimbatore city in C.C No.2304 of 2019.

2.The FIR came to be registered on the ground that the accused persons had involved in conducting a protest against the

ruling Government, without permission, by demanding for certain reliefs on behalf of JACTO-GEO.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

4.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners and the other accused persons were only demanding for their lawful rights, this Court is of the considered view that the registration of an FIR is an abuse of process of law. The offence that is extracted in the FIR is not made out against the petitioners.

5.In the result, the Crime No.67 of 2019 on the file of the 1st respondent police and the impugned charge sheet was filed before the Judicial Magistrate Court No.III, Coimbatore city in C.C. No.2304 of 2019 are quashed in so far as the petitioners are concerned and accordingly this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jv
To

1. The Judicial Magistrate Court No.III,
Coimbatore city.

2.The Inspector of Police,
Race Course Police Station,
Coimbatore City.
(Crime No.67/2019)

3. The Public Prosecutor,
High Court of Madras, Chennai 600 104.

+1cc to Mr.K.Thilageswaran , Advocate SR.No. 2405

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and CrI. MP. Nos.253 & 254 of 2021

A.SK(05.02.2021) .