

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.5991 of 2021
and Crl. MP No.3912 of 2021

1. Santhosh
2. Saravanan
3. Santhanam
4. Dilipan
5. Theena
6. Kabilan
7. Suriya
8. Magesh
9. Dheena
10. Kodimalar
11. Suryamathi
12. Lalitha
13. Abirami
14. Veena

... Petitioners/Accused

Nos.5,6,8,9,11,12,16,17,18,20,22,24,25&27

vs.

1. State rep by
The Inspector of Police,
Erode Town Police Station,
Erode District (Cr. No.290/2018)

... Respondent / Complainant

2. Chennai Krishnan
Senior Post Master,
Erode Head Post Office, Erode.

... Respondent / Defacto Complainant

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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC No.92 of 2018 on the file of the learned Judicial Magistrate No.II of Erode and quash the same.

For Petitioners: Mr.J.Ranjith Kumar

For Respondents: Mr.C.Raghavan
Government Advocate
(crl. Side)
for R1

ORDER

On consent given by either side, the main petition itself has been taken up for final hearing.

2. The petitioners who have been arrayed as Accused Nos.5, 6, 8, 9, 11, 12, 16, 17, 18, 20, 22, 24, 25 & 27 have filed this petition to quash the proceedings in CC No.92 of 2018 on the file of the learned Judicial Magistrate No.II, Erode.

3. The case of the prosecution is that the accused persons had formed into an unlawful assembly and conducted a protest demanding the Central Government to constitute a Management Board to resolve the Cauvery dispute. According to the respondent Police, this protest was made in spite of there being a prohibition under Section 30(2) of the Police Act. On completion of the investigation, the final report has been filed before the Court below for an offence under Sections 143, 188, 341, 353 and 342 of the Indian Penal Code.

4. Heard Mr.J.Ranjith Kumar, learned counsel appearing for the petitioners and Mr.C.Raghavan, learned Government Advocate appearing for the first respondent.

5. Insofar as under Sections 143 and 188 of IPC, is concerned the offence is covered by the reported Judgment of this Court in Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW CrI 606. Insofar as under Sections 341, 353 and 342 of IPC is concerned with court there is no material against the petitioners and the continuation against the petitioners will only amount to an abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure Code.

6. In the result, the proceedings in CC No.92 of 2018 on the file of the learned Judicial Magistrate No.II, Erode, is hereby quashed insofar as the petitioners are concerned and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv
To

1. The Judicial Magistrate No.II,
Erode.
2. The The Inspector of Police,
Erode Town Police Station,
Erode District .
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.J.Ranjit Kumar, Advocate Sr.21011

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ad[co]
srg 14/06/2021

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