

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 1.6.2021.

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8225 of 2021
and
Crl.M.P.Nos.5446 & 5447 of 2021

1.Balakrishnan
2.Muttharasan
3.Kumar
4.Veerapandiyan Petitioners

vs.

1.The State rep. by
Inspector of Police,
Chintradripet Police Station,
Triplicane,
Chennai.
2.Mr.Rajasekaran S V,
Sub-Inspector of Police,
Chintadaripet Police Station,
Chennai. Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.2397 of 2020 on the file of the XIV Metropolitan Magistrate Court, Egmore and to quash the same in so far as the petitioners (A-1, 2, 4 & 5).

For Petitioners : Mr.R.Thirumoorthy

For Respondents : Mr.A.Damodaran
Government Advocate

ORDER

Heard the learned counsel appearing for both sides.

2. The allegations in the final report indicate that the petitioners have protested against the rise in prices of essential commodities and thereby committed offences punishable under Sections 143, 353 IPC read with Section 41 of the TNCP Act.

3. A perusal of the entire materials quoted by the prosecution indicates that in fact the petitioners have democratically shown their protest against rise in prices of essential commodities. Such a protest in democratic way cannot be curtailed by the law enforcing authorities under the pretext of unlawful assembly when the petitioners have, without any intention to commit any offence, chosen to show their protest in a democratic manner. Therefore, their participation and assembly cannot be termed as unlawful to contend that they committed an offence at any cost.

4. On a perusal of the entire materials, this court is of the view that the case of the prosecution is nothing but, a waste and abuse of process of law and all the materials clearly show that it is only a futile exercise on the part of the prosecution to continue.

5. Accordingly, the present Criminal Original Petition is allowed and the criminal proceedings in C.C.No.2397 of 2020 on the file of the first respondent herein is quashed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Ssk/hvk
To

1.The XIV Metropolitan Magistrate Court,
Egmore.

2.The Inspector of Police,
Chintradripet Police Station,
Triplicane,
Chennai.

3.The Public Prosecutor,
High Court, Madras-104.

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