

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18473 of 2020

1.Mr.Ashraf Ali
2.Mr.Muhammed Malik
3.Mr.Aasik
4.Mr.Pakurudeen
5.Mr.Muhammed Yaamin

..Petitioners/1 to 5 Accused

.Vs.

State Rep.by its
The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC No.911 of 2020 pending on the file of Judicial Magistrate Court-II, Nagapattinam.

For Petitioners: Mr.I.Abdulbasith
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking to quash the proceedings in STC No.911 of 2020, pending on the file of Judicial Magistrate Court-II, Nagapattinam.

2.The case of the prosecution is that the accused persons formed themselves into an unlawful assembly and indulged in an agitation and thereby caused confusion among the general public. After the completion of the investigation, a final report has been filed by the respondent Police for an offence under Section 143 and 341 of IPC.

3. Heard Mr.I.Abdulbasith, learned counsel for petitioners and Mr.C.Raghavan, learned Government Advocate appearing for respondent.

4.In order to sustain a charge under Section 143 of IPC, the prosecution must fulfil the requirements of Section 141 of IPC which defines an unlawful assembly. The prosecution must be able to bring the case within the five ingredients as specified under Section 141 of IPC. In the present case, the prosecution has alleged that the petitioner has committed an offence under Section 341 of IPC. In order to constitute an offence of wrongful restraint, the prosecution has to fulfil the requirements of Section 339 of IPC. To bring a case under Section 339 of IPC, there must be a prima facie material to show that there is a voluntary obstruction of any person and through such obstruction the accused person should have prevented that person from proceeding in any direction in which he has a right to proceed. In other words, the accused persons should have physically restricted the normal movement of a person.

5.In the present case, the allegation made against the accused persons is that they involved in an agitation and thereby caused disruption to the traffic. The allegations made in the final report and the statement of the witnesses does not either make out an offence under Section 143 of IPC or under Section 341 of IPC.

6.In view of the above, no useful purpose will be served in continuing with the criminal prosecution against the petitioners and accordingly, the proceedings in STC No.911 of 2020, pending on the file of the Judicial Magistrate Court-II, Nagapattinam, is hereby quashed and this criminal original petition is accordingly allowed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KP
To

1.Judicial Magistrate Court-II,
Nagapattinam.

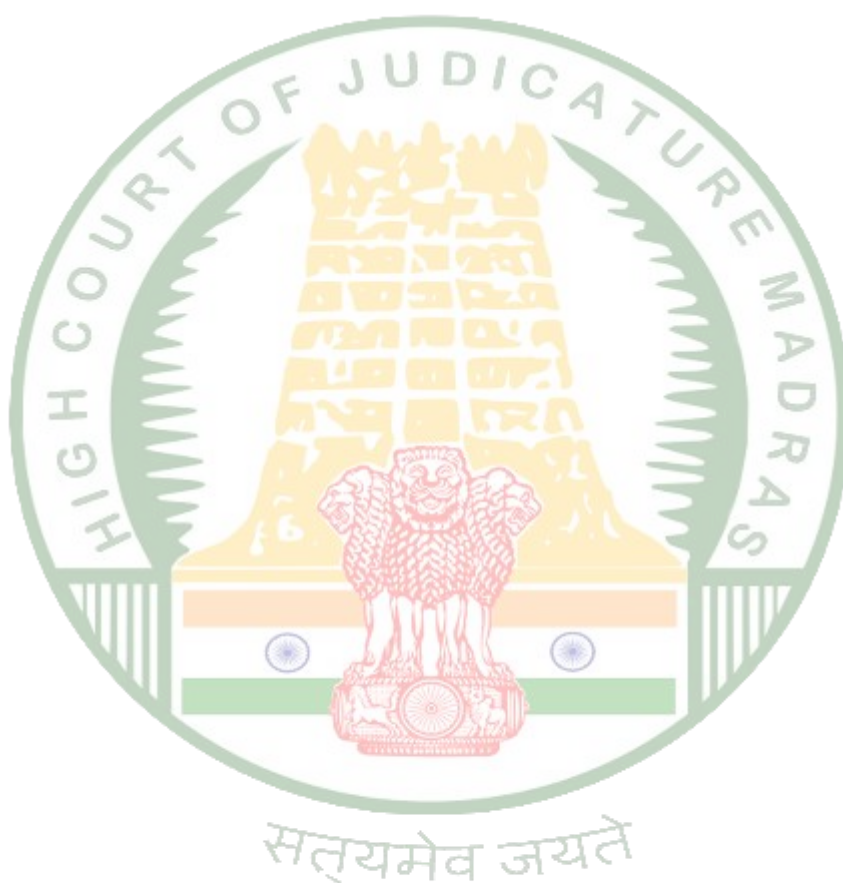
2.The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

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3.Public Prosecutor
High Court,
Chennai.

CRL.O.P.No.18473 of 2020

BS (CO)
SP (01/02/2021)



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