

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20435 of 2020

Varanavasai

..Petitioner

.Vs.

State Rep.

The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

Cri.No.51/2020

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the case in STC No.267 of 2020, on the file of Judicial Magistrate, Dharapuram.

For Petitioners: Mr.K.Sudhakar

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

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in STC No.267/2020, pending on the file of the learned Judicial Magistrate, Dharapuram.

2.The case of the prosecution is that the accused persons formed themselves into an unlawful assembly and were agitating against the amendment to the citizenship Act and this agitation was conducted without obtaining any permission and thereby the accused persons caused disturbance to the general public by forming a human chain in the middle of the road. There are totally 15 accused persons in this case and the petitioner has been arrayed as an accused person in this case.

3. Heard Mr.K.Sudhakar, learned counsel for petitioner 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 fulfill 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.267 of 2020, pending on the file of Judicial Magistrate, Dharapuram, is hereby quashed and this criminal original petition is accordingly allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. Judicial Magistrate Court, Dharapuram.

2. do thro the Chief Judicial Magistrate,
Tiruppur.

3. The Inspector of Police,
Dharapura Police Station,
Tiruppur District.

4. Public Prosecutor
High Court, Chennai.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No. 1191

CRL.O.P.No.20435 of 2020