



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22428 of 2021

and

CrI.M.P.Nos.12194 and 12254 of 2021

- 1.Ammayee
- 2.Rani
- 3.Maarammal
- 4.Valliyammal
- 5.Nanthini
- 6.Kalyani
- 7.Kamala
- 8.Rajammal
- 9.Janaki
- 10.Jayanthi
- 11.Mariyammal
- 12.Palaniyammal
W/o.Murugan
- 13.Chellammal
- 14.Sona
- 15.Sneha
- 16.Madhammal
- 17.Lakshmi
W/o.Karupan
- 18.Sarasu
W/o.Sekar
- 19.Lakshmi
W/o.Kittaan
- 20.Ananthi
W/o.Kannan
- 21.Sarasu
W/o.Ramasamy
- 22.Santha
- 23.Pappathi
- 24.Santhi
W/o.Palanisamy
- 25.Latha
- 26.Sangeetha
- 27.Muniyammal
W/o.Paramasivam
- 28.Palaniyammal
W/o.Boopathi
- 29.Kannammal



30.Rukmani
31.Manjula
32.Santhi
W/o.Ganesan

33.Jaya
34.Ananthi
W/o.Sakthivel

35.Vasanthi

36.Geetha

37.Muniyammal

W/o.Perumal

...Petitioners/Accused

Vs.

1. The State rep. by,
Inspector of Police,
Erode South Police Station,
Erode District.

1st Respondent/
Prosecuting Complainant

2. Selvam.P
The Sub Inspector of Police,
Erode South Police Station,
Erode District.

...2nd Respondent/Defacto
Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.1616 of 2021 on the file of the Judicial Magistrate No.III, Erode and to quash the same.

For Petitioners : Mr.R.Thirumoorthy

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The petitioners have filed this petition seeking to call for the records and to quash the charge sheet in S.T.C.No.1616 of 2021 on the file of the Judicial Magistrate No.III, Erode.

2. The brief facts of the case is that on 07.12.2019 at about 3.00 p.m, all the petitioners were alleged to have been unlawfully assembled and condemned the arrest of Munusamy S/o. Veerasamy and they were gathered in front of the entrance of District Collector Office, Erode without any prior intimation and thereby causing nuisance to the public. Hence, the second respondent police lodged a complaint against them in Crime No.755 of 2019 for the offences under Sections 143, 341, 290 of IPC. Hence the present case was registered.



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3. The learned counsel for the petitioners has submitted that all the accused were charged under Sections 143, 341 and 290 of IPC. He further submits that Section 143 was not attracted in this case. In fact, no general public was given statement that they were restrained by the protest / accused herein. To attract Section 290, no public was informed that they were arrested by the said protest. Hence, on this ground the petitioners want to quash the proceedings. He further submits that they are having every right to raise their objection in front of the Collector Office but for that none of the public was suffered.

4. The learned Additional Public Prosecutor submitted that FIR has been lodged against the petitioners and subsequently final report was filed against them under Sections 143, 341, 290 IPC. Hence, he vehemently raised an objection.

5. On perusal of records, it reveals that the fact is that only in front of the Collector Office they raised slogans. It is their right to express their objection. Apart from that, none of the public was attacked nor suffered, Hence, the prima facie proves that the alleged sections was not attracted. Considering the facts and circumstances of the case, there is no material placed for charges against these petitioners, prima facie, this Court is inclined to quash the proceedings against the petitioners.

6. This Criminal Original Petition stands allowed and as a sequel, the charge sheet, pending on the file of the Judicial Magistrate No.III, Erode, is quashed. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Inspector of Police,
Erode South Police Station,
Erode District.
2. The Sub Inspector of Police,
Erode South Police Station,
Erode District.



3. The Public Prosecutor,
Madras High Court.

4. The Judicial Magistrate No.III,
Erode.

5. The Chief Judicial Magistrate,
Erode.

+lcc to Mr.R.Thirumoorthy, Advocate, S.R.No.66561

Crl.O.P.No.22428 of 2021

and

Crl.M.P.Nos.12194 and 12254 of 2021

AK-II (CO)

RGA (19/01/2022)