



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MS.JUSTICE R.N.MANJULA

CRL.O.P.NO.31996 OF 2019
AND CRL.M.P.NO.17540 OF 2019

M.Balaji

... Petitioner/
Accused-1

Vs.

State rep. by
The Inspector of Police,
B1, North Beach Police Station,
Chennai - 1.

... Respondent/
Defacto Complainant

Prayer:-

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.1757 of 2017 on the file of the learned Judicial Magistrate Court VII, George Town, Chennai and quash the same.

For Petitioner : M/s.T.Dharani

For Respondent : Mrs.G.V.Kasthuri [R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed calling for the records in C.C.No.1757 of 2017 on the file of the learned Judicial Magistrate Court VII, George Town, Chennai and quash the same.

2. This case is one among series of cases registered against several persons for the alleged commission of criminal offence during the Jallikattu protest held at Marina Beach in the year 2017.

3. The case of the prosecution is that the petitioner along with other persons had illegally assembled and protested in public place without prior permission and raised a slogans against Central and State Governments and demanded to hold



Jallikattu every year. Several cases have been registered against several persons for causing violence during the said protest. The Government has taken a policy decision to withdraw all such cases in the public interest.

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4. The learned counsel for the petitioner submitted that the Government Order has also been passed in this regard. So far as this case is concerned, charge sheet has been filed and the case has also been taken on file. A copy of the Government Order in G.O.(Ms) No.99 Home (Courts-IV) Department dated 20.02.2021 is perused. The above mentioned Government Order reads as under:-

3. The Public Prosecutor, High Court, Chennai in his letter second read above, has offered his considered opinion that further proceedings/prosecution, as the case may be, be dropped/withdrawn respectively, in the following manner:-

A. In cases where the investigation is still pending, further action may be dropped by the concerned police;

B. In cases where the case is pending trial, the Assistant Public Prosecutor in charge of the respective cases may be directed to move an application under Section 321 of the Code of Criminal Procedure for withdrawal of prosecution and follow the procedure prescribed therein;

C. In S.Nos.129 and 132 in the annexure, the cases are pending trial and Indian Railways Act is involved. Hence, a further permission from the Central Government may be obtained and produced before the Trial Court and the Assistant Public Prosecutor in charge of the respective cases may be directed to move an application under Section 321 of the Code of Criminal Procedure for withdrawal of prosecution and follow the procedure prescribed therein;

D. In cases where Prevention of Cruelty to Animals Act (Entry 17 of the Concurrent list of the Seventh Schedule to the Constitution of India) and Criminal Law Amendment Act [Entry 1 of the Concurrent list of the Seventh Schedule to the Constitution of India] is involved, no such permission from the Central Government may be required.



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4. The Government, after careful examination, hereby order for the withdrawal of cases registered during 2017 Jallikattu Protest (308 cases) as per the annexure to this order, by following the procedures as opined by the Public Prosecutor, High Court, Chennai in para 3 above.

5. It is further submitted by the learned counsel for the petitioner that in view of the stay order pending in this case, the learned Additional Public Prosecutor who is in charge of the case before the trial Court had refused to file an application for withdrawal of the proceeding, on the basis of the Government Order.

6. In order to facilitate the withdrawal proceeding and in pursuance of the Government Order that has been passed to withdraw all the pending proceedings connected to Jallikattu, this Criminal Original Petition can be closed.

In view of the above reasons, this Criminal Original Petition is closed. In the event of filing a petition for withdrawal of this case under Section 321 Cr.P.C. basing on the G.O.Ms.No.99 dated 20.02.2021, the learned Judicial Magistrate VII, George Town, Chennai, shall pass appropriate orders and dispose the same within a period of two weeks. Connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sni

Sub Assistant Registrar

To

1. The Judicial Magistrate Court VII,
George Town, Chennai

2. The Inspector of Police,
B1, North Beach Police Station, Chennai - 1.

3. The Public Prosecutor.
High Court, Madras.

+1cc to Mr.T.Dharani, Advocate, SR.NO.56129

Cr1.O.P.No.31996 of 2019

BS(CO)
PM/25/11/2021