



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1 O.P. (MD) No.15319 of 2021

and

Cr1 MP (MD) Nos.8233 & 8234 of 2021

WEB COPY

1.R.Yuvarajan

2.P.Manoj Kumar

3.M.Muniyasamy

... Petitioners/

Accused Nos.8, 9 & 17

vs.

1.The Inspector of Police,
Thallakulam Police Station,
Madurai City, Madurai.

... Respondent No.1 /
Complainant

2.S.Shanthi

... Respondent No.2 / Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the Final Report in C.C No.211 of 2017 on the file of the learned Judicial Magistrate No.II, Madurai in Crime No.528 of 2017 dated 30.03.2017 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

For Petitioners : Mr.T.Lajapathi Roy

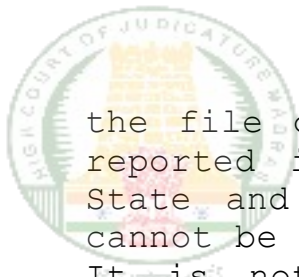
For Respondents : Mr.T.Senthilkumar,

Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

2.The petitioners are facing the trial in C.C No.211 of 2017 on the file of the Judicial Magistrate No.II, Madurai for the offence under Section 341, 143 and 188 IPC and Section 7(1) (a) of the Criminal Law Amendment Act, 2005. The occurrence took place on 30.03.2017 at about 11.15 A.M. The petitioners are law college students. They had assembled along with few others and tried to stage a road roko voicing their protest against Hydrocarbon project. In this regard, Crime No.528 of 2017 was registered on



the file of the first respondent. It was held in the decision reported in 2018 (2) L.W.(Cr1) 606 (Jeevanandham and Ors. vs. State and Ors.) that the offence under Section 188 of Cr.PC cannot be registered based on the information of a police officer. It is not the case of the prosecution that the petitioners indulged in any act of violence. The occurrence in question took place at 11.15 A.M only. During the relevant time, throughout Tamil Nadu, protests against Hydrocarbon project were held. Since the petitioners have protested only in a democratic manner, I am of the view that continuance of the impugned proceedings is not warranted.

3.The impugned proceedings are quashed. This criminal original petition is allowed. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

skm

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.II, Madurai.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai City, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-37004[F] dated 02/12/2021)

Cr1 O.P. (MD) No.15319 of 2021

and

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