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CRL.O.P.(MD)NO. 18522 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.18522 of 2021 and

CRL.M.P.(MD)Nos.10216 & 10219 of 2021

1. Manohar Rajan
2. Anja Nenjan
3. Govindarajan
4. Dhanabal
5. Periyapuravi
6. Saravanan

... Petitioners / Accused 1 to 6

Vs.

State rep. By its,

1. The Inspector of Police,
Thuraiyur police station,
Trichy District.
(Crime No.1372 of 2020)

... 1st Respondent / Complainant

2. The Sub Inspector of Police,
Thuraiyur police station,
Trichy District.

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.87 of 2021 on the file of the learned Judicial Magistrate, Thuraiyur, Trichy and quash the same.

For Petitioners : Mr.B.Jameel Arasu
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.
* * *

O R D E R

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

2. The petitioners conducted a dharna before the Taluk Office, Thuraiyur, in protest against denial of permission for conducting Vel Yatra. In this regard, Crime No.1372 of 2020 was registered and final report came to be filed before the Judicial Magistrate, Thuraiyur. Cognizance of the offences under Sections 143, 341, 269 and 270 of I.P.C. was also taken and the case was taken on file in C.C.No.87 of 2021. To quash the same, this criminal original petition has been filed.



3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

4. Per contra, the learned Additional Public Prosecutor submitted that the case for quashing has not been made out.

5. I carefully considered the rival contentions and went through the materials on record.

6. The petitioners are members of a political party. During the relevant time, the said party announced a programme of conducting Vel Yatra through out the state. Permission was sought from the local administration. Since it was denied, the petitioners raised protest against the same. That led to the registration of the case against the petitioners.

7. It is not the case of the respondents that the petitioners indulged in violence. The petitioners are six in number. The local administration denied permission to them. Hence, they resorted to a democratic form of protest. It is true that during the relevant time, lock down measures were very much in force. It is not the case of the respondents that the petitioner contributed to the spread of the disease. Since no adverse consequence ensued and the petitioners did not commit any violent act, but only raised some slogans, continuance of the impugned prosecution is not warranted. The impugned proceedings are quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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, Thuraiyur, Trichy.

2. The Inspector of Police,
Thuraiyur police station,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Sub Inspector of Police,
Thuraiyur police station,
Trichy District.

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

Cr1.O.P. (MD) No.18522 of 2021
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_RD(09.12.2021) 3P 5C