



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.20494 of 2018

Crl.M.P.No.11034 of 2018

1.G.Ramakrishnan  
2.Anbazhagan  
3.Kabali  
4.S.Babu  
5.N.Suresh Kumar  
6.V.Baskar  
7.Shanthi

...Petitioners/Accused

Versus

The State rep. by  
Sub Inspector of Police  
F-1, Chinthadripet Police Station  
Chennai - 600017

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.8011 of 2017, on the file of the XIV Metropolitan Magistrate, Allikulam, Egmore and quash the same.

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mr.R.Kishore Kumar  
Govt.Advocate (Crl.Side)

O R D E R

This Petition has been filed to quash the final report in C.C.No.8001 of 2017, filed against the accused for the offences under Sections 143, 353 IPC r/w 7(1)(a) of Criminal Law Amendment Act and 149 IPC, on the file of the XIV Metropolitan Magistrate, Egmore.

2. The crux of the final report is that the accused unlawfully assembled and raised slogans to revoke the NEET examinations conducted by the Central Government and thereby, committed an offence under under Sections 143, 353 IPC r/w 7(1)(a) of Criminal Law Amendment Act and 149 IPC.



3. The learned counsel appearing for the petitioners submitted that they have not assembled unlawfully and they made their democratic protest over the suicide of a girl student due to her failure in the NEET examination. As the right to protest is inherent in the constitutional right, the mere protest in a democratic manner, without any intent to commit an offence, the offence under Section 143 IPC cannot be invoked against the petitioners. Similarly, there are no materials available on record to attract the offence under Sections 353 and 149 IPC and Section 7(1)(a) of the Criminal Law Amendment Act, except stating that the accused have raised slogans against the State and Central Government. Hence, prayed to quash the entire proceedings.

4. Heard the learned counsel on both sides and perused the entire materials available on record.

5. The entire materials unearthed by the prosecution shows that the protest itself is an outburst of the suicide of a student named Anitha, despite securing higher marks, she could not secure a seat in higher studies. Therefore, the accused appears to have made a democratic protest by raising voice against the Central Government to revoke the NEET Examination. Therefore, this Court is of the view that if the persons protest in a democratic manner without having any intention to commit any offence, their gathering cannot be called as unlawful assembly. The protest has been made to bring to the notice of the Government about the death of the girl student and revoke the NEET examination due to sufferings of some of the students. Therefore, mere demonstration expressing their view in a democratic manner cannot constitute any offence under Section 143 IPC. Their gathering to make a protest peacefully and their act as long as will not fit into any of the category mentioned under Section 141 IPC, it cannot be construed as an unlawful assembly.

6. As far as offence under Section 353 IPC is concerned, there is no material available on record to attract an offence under Section 353 IPC, since assaults or use of criminal force is totally absent and further it is not the case of the prosecution that the petitioners have made an attempt to threaten the witnesses who had deposed against the petitioners. Similarly, there are no materials available on record to attract the offence under Sections 353 and 149 IPC and Section 7(1)(a) of the Criminal Law Amendment Act. In such view of the matter, this Court is of the view that the entire prosecution materials unearthed even taken as face value would not constitute any offence. Hence, continuation of the prosecution against the petitioners is a futile exercise and the same has to



be quashed.

7. Accordingly, this Criminal Original Petition is allowed. The final report in C.C.No.8011 of 2017, on the file of the XIV Metropolitan Magistrate, Egmore is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

Asr

To

- 1.The learned XIV Metropolitan Magistrate,  
Allikulam, Egmore, Chennai.
2. -do-Through The Chief Judicial Magistrate,  
Egmore, Chennai.
- 3.The Sub Inspector of Police  
F-1, Chinthadripet Police Station  
Chennai - 600017
- 4.The Public Prosecutor,  
High Court, Madras.

Cr1. O.P. No. 20494 of 2018

SSN(CO)  
GMY(18/02/2022)