



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6573 of 2022
and Crl.M.P.Nos.3723 & 3724 of 2022

1. Chandrasekar
2. Prabakaran C
3. Pandi G
4. Vetriselvan T K
5. Gowtham T K
6. Sitrarasu
7. Punniyamoorthy D
8. Senthilnathan T K
9. Kumaresan D
10. Selvan K
11. Veeramani K
12. Prabakaran A
13. Rajeswari V
14. Devika K
15. Kalaiselvi

... Petitioners/Accused 1 to 15

Vs.

The State represented by,
The Inspector of Police,
Podhanur Police Station, Coimbatore City,
Coimbatore.

(Crime No.221 of 2019)

... Respondent/Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the C.C.No.196 of 2020 on the file of VII Judicial Magistrate, Coimbatore and quash the same.

For Petitioners : Mr.S.Kumaradevan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



O R D E R

The Criminal Original Petition has been filed to call for the records relating to the C.C.No.196 of 2020 on the file of Judicial Magistrate No.VII, Coimbatore and quash the same.

2. The case of the prosecution is that as per the complaint given by one Mr.P.Maheswaran, Inspector of Police, Podhanur Police Station, Coimbatore, on 03.03.2019 at 06.15 p.m., during the patrol at near Sundharapuram, Pollachi Road, Sangam Street, the complainant had seen some persons belonging to 'Dravidar Kazhagam' assembled there without permission and they have protested against a particular newspaper 'Dina Malar' in respect of some news items and they had burnt the papers. Based on suo-moto, the case in Crime No.221 of 2019 was registered by the respondent for the offences under Sections 143, 341 and 285 of IPC. Thereafter, investigation has been completed and the final report has been filed before the Judicial Magistrate No.VII, Coimbatore and the case was taken up in C.C.No.196 of 2020.

3. Learned counsel appearing for the petitioners would submit that the petitioners were assembled in democratic manner and they have raised their voice against certain false news items. During the incident, no untoward incidents or violence occurred and the facts of the case are similar to the case covered in the decision reported in 2018 2 LW (Cr1) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in the case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Cr1.O.P(MD) No.7922 of 2019 dated 30.08.2019. He would further submit that the respondent cannot register a case as stated supra.

4. Per contra, the learned Additional Public Prosecutor would submit that the petitioners had illegally gathered and raised slogans against a particular newspaper for carrying a news item against them. He would further submit that when the respondent had asked them to disburse, they have disbursed from the place. He would also submit that there was no violence or untoward incidents occurred and nobody was injured in the said incident.

5. Heard the learned counsel and perused the materials available on record.



6. In the judgment reported in 2018(2) L.W (Crl.)606 (In Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another) it has been held that the police has no right to file a case under Section 143 and 188 of IPC and to investigate the same without getting proper permission from the concerned jurisdictional Magistrate. Here, there is no material to show that before registering the case, permission of the concerned jurisdictional Magistrate has been obtained. In such circumstances, the respondent has no right to register the case and to investigate the matter.

7. In view of the above, this Court is of the opinion that no useful purpose will be served by keeping the proceedings pending in respect of all the other accused also.

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in C.C.No.196 of 2020 on the file of the learned Judicial Magistrate No.VII, Coimbatore in respect of all the accused is quashed. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rgi/ham

To

1.The Judicial Magistrate No.VII,
Coimbatore.

2.-Do- Thro' The Chief Judicial Magistrate,
Coimbatore.

3.The Inspector of Police,
Podhanur Police Station, Coimbatore City,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Kumaradevan, Advocate Sr.19992

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srg 06/04/2022