



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6776 of 2022

and

Crl.M.P.No.3855 of 2022

- 1.R.Jayaprakash
S/o.Ramsamy
- 2.R.Sundar Raman,
S/o.Ramachandran
- 3.K.Velayudham
S/o.Kumarasamy
- 4.G.Senthil
S/o.Gopalan AB
- 5.M.Babu
S/o.Mahadevan VG
- 6.N.Mani
S/o.Nagaraj
- 7.R.Jaganathan
S/o.Ramaiya Gounder
- 8.Vetriselvi
W/o.Muthusamy
- 9.S Sreepathi
S/o.Sbburaw
- 10.A.Sivakumar
S/o.Arumugam

... Petitioners/Accused 1 to 10

Vs

State Represented by
The Inspector of Police
Race Course Police Station,
Coimbatore City.
(Crime No.1292 of 2020)

... Respondent/Complainant



Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for entire records in connection with the S.T.C.No.5447 of 2021 on the file of the Judicial Magistrate No.III, Coimbatore and quash the same.

WEB COPY

For Petitioners : Mr.M.Vijayaragavan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to call for records in S.T.C.No.5447 of 2021 on the file of the Judicial Magistrate No.III, Coimbatore.

2. The case of the petitioners is that on 30.12.2020 at about 11.05 a.m., the petitioners/accused without following Covid-19 protocol and regulations, have assembled near South-Taluk Office Entrance, Hosur Road, Coimbatore, raised slogans against Anti-Retail Policy and Double Price Sales Policy of Fast Moving Consumer (FMC) Goods and protested in a unlawful manner against the new policies brought in by the Central Government. Based on the complaint of the respondent, a case in Crime No.1292 of 2020 was registered for the offences punishable under Sections 143 and 269 of IPC. The respondent, after completion of the investigation, filed a final report against the petitioners in S.T.C.No.5447 of 2021 on the file of the learned Judicial Magistrate No.III, Coimbatore for the offences punishable under Sections 143 and 269 of IPC.

3. The learned counsel for the petitioners would submit that the petitioners are citizens of India who have assembled in a lawful manner to voice their protest in a democratic manner against the policies of the Central Government in pricing of FMC Goods that affecting the public. There was absolutely no violence and that there was no intention on the part of the petitioners to spread infection of disease dangerous to life. There is absolutely no material to show that the petitioners were infected with any disease dangerous to life. Thereby, the proceedings against the petitioners is nothing but abuse of process of law.

4. The learned counsel for the petitioners would further submit that the facts of the case are similar to the case covered in the decision reported in 2018 2 LW (Crl) 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 Crl.O.P(MD).No.7922 of 2019 etc batch dated 30.08.2019. He would further submit that though the protest was conducted during the Covid-19 pandemic period, there is no material to show that neither the petitioners were affected by Covid-19 nor they indulged in any Malignant Act likely to spread infection of disease dangerous to life.

5. The learned counsel for the petitioners also relied on the Judgment of the Madurai Bench of this Court in the case of B.Vincent Balaji Vs The Inspector of Police, Madurai District and another made in Crl.O.P(MD).No.14795 of 2021 dated 01.10.2021 and the Judgement of this Court in the case of William Carry @ William Geri Vs The Inspector of Police, Tiruppur District made in Crl.O.P.No.25413 of 2021 dated 03.01.2022.

6. The learned Additional Public Prosecutor for the respondent would submit that the petitioners in violation of Covid-19 protocol during the Covid-19 pandemic period had formed into an unlawful assembly and indulged in a protest in violation of the Covid-19 protocol, thereby had attempted to spread infection to others. However, he would fairly concede that there was no violence.

7. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

8. The offence under Sections 143 and 269 of IPC are concerned, as per the contents of the First Information Report, it is seen that the petitioners protested in an unlawful manner and shouted slogans during the pandemic period and they have dispersed on being directed by the police officials. It is a trivial matter in which no offence of grievous nature is involved. Even though Section 144 Cr.P.C order was in force, during the relevant time the respondent police ought to have warned the petitioners to go in-door, instead of that, they filed a case. It is also not the case of the respondent that at the time of the incident, the petitioners were affected by Covid-19 virus. So the contention that conducting protest during the pandemic period will spread the disease is without any basis. Section 143 of IPC is concerned, it specifies the period of punishment for a person who is a member of an unlawful



of the considered view that the proceedings in S.T.C.No.5447 of 2021 on the file of the learned Judicial Magistrate No.III, Coimbatore, is liable to be quashed and the same is quashed.

14. Accordingly, this Criminal Original Petition is allowed. Connected Criminal Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb/dk

To

- 1.The Judicial Magistrate No.III,
Coimbatore.
- 2.The Inspector of Police,
Race Course Police Station,
Coimbatore City.
- 3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.M.Vijayaragavan, Advocate SR.No.20557

CrI.O.P.No.6776 of 2022
and CrI.M.P.No.3855 of 2022

GPL(CO)
GN(05/05/2022)