



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10186 OF 2022

Arjunram,
S/o. Rajendran

... Petitioner

Versus

1. The State rep. by its
The Sub-Inspector of Police,
Vadavalli Police Station,
Coimbatore Dt.
2. Saravanakumar,
Village Administrative Officer,
Vadavalli Village,
Porur Taluk, Coimbatore Dt.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the F.I.R. registered in Crime No.41 of 2019 for the offences under Section 143, 341 and 353 of I.P.C. on the file of 1st respondent police.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.A.Gokulakrishnan,
Addl. Public Prosecutor
for R1

O R D E R

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.41 of 2019 for the offences under Sec.143, 341 and 353 of I.P.C. on the file of 1st respondent police. The petitioner is arrayed as 12th accused in the F.I.R.

2. The crux of the allegation in the F.I.R. indicates that the petitioner, being a law student, while studying in a



Government Law College, Coimbatore, along with other persons have assembled and raised slogans against the Government. The nature of slogan did not found place in the F.I.R.. Except the allegation that, they prevented the public servant, no details whatsoever found in the F.I.R. Hence, the F.I.R. did not contain any allegation attracting the offence as alleged, but, at the same time, when the allegation contained in the F.I.R. itself did not constitute any offence and continuing the F.I.R., which has been registered in the year 2019 without any progress, is nothing but an abuse of process of law. In fact, which lend to serious consequence in the future of the petitioner as they are students and in fact, being a student, they gathered in front of a college and protested for some rights. Therefore, when the protest ended without causing any damage mere raising protest in a democratic way, they cannot be prosecuted mechanically.

3. The learned Government Advocate [Criminal Side] submitted that the accused illegally assembled and caused disruption to the public, thereby he has been prosecuted.

4. It is to be noted that while exercising the power under Section 482 of Cr.P.C., the Court should be slow, at the same time, if the Court finds that from the entire materials collected by the prosecution taken as a whole, would not constitute any offence, in such situation, directing the parties to undergo ordeal of trial will be a futile exercise and it will infringe the right of the persons and in this regard, the Apex Court in State of Haryana and others Vs. Bhajan Lal and Others reported in 1992 Supp (1) Supreme Court Cases 335, has been held as follows :

'..... (a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused; (b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code; (c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused; (d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence,



collected by the prosecution do not show that the accused had shown any criminal force to commit any mischief, crime or any offence or by way of criminal force or tried to take possession of the property or right to use of incorporeal right which is in possession of enjoyment of others or rights.

7. In this case also, the petitioner has not unlawfully assembled to commit any offence. Of course, he has democratically raised protest for the inaction on the part of the police for not taking action and such gathering cannot be said to be unlawful assembly. At any event, mere gathering of more than 5 persons will not amount to any offence, unless the action of such persons fit into any of the provision found in Section 143 to constitute such assembly as unlawful assembly. In such view of the matter, this Court is of the view that continuation of prosecution is nothing but an abuse of process of law.

8. In such view of the matter and on considering the averments contained in the F.I.R., this Court is of the view that no offence is made out attracting Sec.143, 341 and 353 of I.P.C. Hence, the same is liable to quashed. Accordingly, this Criminal Original Petition is allowed and the F.I.R. in Crime No.41 of 2019 on the file of 1st respondent police is quashed against the petitioner.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Inspector of Police,
Vadavalli Police Station, Coimbatore Dt.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Prabakaran, Advocate, S.R.No.32198

CRL.O.P.No.10186 of 2022

GPL(CO)
RLP(15/06/2022)