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Crl.O.P.Nos.10339 and 10954 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.11.2021

DELIVERED ON : 08.07.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.Nos.10339 and 10954 of 2021 and  
Crl.M.P.Nos.6240, 6241 & 6497 of 2021

Crl.O.P.No.10339 of 2021:-

1.Arumugam @ Thirukatchoor Arumugam  
2.G.K.Mani  
3.A.K.Moorthy  
4.Dr.Ramadoss  
5.Dr.Anbumani Ramadoss

... Petitioners/A1 to A5

Versus

1.State by,  
The Inspector of Police,  
E1 Mamallapuram Police Station,  
Chengalpet District.  
(Crime No.177 of 2013)

... 1<sup>st</sup> Respondent/  
Complainant

2.N.C.Sarathy  
Inspector of Police,  
Mamallapuram Police Station,  
Mamallapuram,  
Chengalpet District.

... 2<sup>nd</sup> Respondent/  
De-facto complainant



PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the charge sheet in C.C.No.224 of 2020, on the file of the Judicial Magistrate Court No.1, Chengalpet, and quash the same insofar as the petitioners are concerned.

Crl.O.P.No.10954 of 2021:-

- 1.Thirukatchur Arumugam @ Arumugam
- 2.G.K.Mani
- 3.Dr.Anbumani Ramadoss
- 4.Dr.Ramadoss

... Petitioners/A1, &  
A3 to A5

Versus

- 1.State by,  
The Inspector of Police,  
E1 Mamallapuram Police Station,  
Chengalpet District.  
(Crime No.432 of 2012)

... 1<sup>st</sup> Respondent/  
Complainant

- 2.A.Ganesan  
Deputy Superintendent of Police,  
Mamallapuram Sub-Division,  
Mamallapuram,  
Chengalpet District.

... 2<sup>nd</sup> Respondent/  
De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the charge sheet in C.C.No.223 of 2020, on the file of the Judicial Magistrate Court No.1, Chengalpet, and quash the same insofar as the



petitioners are concerned.

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For Petitioners : Mr.K.Balu  
(in both the Crl.O.Ps.)

For R1 : Mr.Hasan Mohamed Jinnah  
(in both the Crl.O.Ps.) State Public Prosecutor  
Assisted by  
Mr.N.Damodaran  
Additional Public Prosecutor  
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### COMMON ORDER

The petitioners, who are accused in C.C.Nos.224 of 2020 and 223 of 2020, for offences under Sections 143 and 188 I.P.C. and 147, 143, and 188 I.P.C. read with Section 7(1)(a) of Criminal Law Amendment Act, respectively, have filed the Quash Petitions.

2.The gist of the case is that on two different dates *viz.*, on 05.05.2012 and 25.04.2013, the first petitioner got temporary permission to conduct a public meeting at Mamallapuram from 05.00 p.m. to 09.00 p.m. and from 05.00 p.m. to 10.00 p.m., respectively. However, the first petitioner and other petitioners, who participated in the said meetings, conducted the meetings beyond the permitted hours and thereby, caused hindrance to the public transport and disturbed the public peace by using loud speakers. Hence, cases in Crime Nos.432 of 2012 and 177 of 2013 registered against them for



offences punishable under Sections 147, 143 and 188 I.P.C. read with Section 7(1)(a) of Criminal Law Amendment Act and Sections 143 and 188 I.P.C. respectively, and thereafter, final reports filed before the District Munsif-cum-Judicial Magistrate Court, Thirukkazhukundram. Subsequently, the cases were transferred to the Judicial Magistrate Court No.I, Chengalpet, and C.C.Nos.223 and 224 of 2020 assigned.

3. Seeking to quash the aforesaid proceedings, the petitioners are before this Court with these Criminal Original Petitions.

4. The contention of the petitioners is that the fourth petitioner viz., Dr. Ramadoss is the founder of Pattali Makkal Katchi (PMK) and the other petitioners are office bearers of the said Political Party. The first petitioner got permission to conduct public meetings from the respondent Police and thereby, the meetings were conducted and the same got concluded in time as per the instructions of the respondent Police and therefore, there is no violation as alleged by the respondent Police. Thus, no *prima facie* case is made out against the petitioners for the aforesaid offences. Hence, the criminal proceedings initiated against the petitioners in C.C.Nos.223 and 224 of 2020, pending on the file of the Judicial Magistrate Court No.I, Chengalpet, are liable to be quashed.



5.The learned Public Prosecutor appearing for the State submits that in these cases though the first petitioner got temporary permission to conduct a public meeting at Mamallapuram on 05.05.2012 and 25.04.2013 from 05.00 p.m. to 09.00 p.m. and from 05.00 p.m. to 10.00 p.m. respectively, the petitioners conducted the meetings beyond the permitted hours, and thereby, caused hindrance to the public transport and disturbed the public peace by using loud speakers. After completion of elaborate and detailed investigation, based on the statement of witnesses, the respondent Police filed charge sheets against the petitioners and the same are pending trial. Further, there are ample evidence and witnesses available against the petitioners. Sufficient materials available to prove the cases against the petitioners. Hence, the learned Public Prosecutor prayed for dismissal of these Criminal Original Petitions.

6.Considering the rival submissions and on perusal of the materials, this Court finds that the petitioners and others have conducted public meetings on the eve of Chithirai Full Moon, an important and regular function to them and a celebrating occasion. No public lodged any complaint that any public got affected due to the meetings conducted by the petitioners.

7.In both the cases, the respondent Police registered a case in Crime No.432 of



2012, pertains to Chitra Pournami celebration day May – 2017 and a case in Crime No.177 of 2013, pertains to Chitra Pournami celebration day April – 2013. It is an admitted case that for the celebrations, permission given by the Superintendent of Police of the District. It is highly improbable, had disturbance and violation happened in the year 2012, for the next year, again permission would not have been granted. In both the cases, except the official witnesses and employees of Archeological Department, no public examined as witness to show that there was disturbance to the public peace and movement. The observation Mahazar witnesses are fruit and pushcart vendors. All the witnesses are obliging witnesses to the Police. There is no material to show any damage caused to any of the monuments or public property. Further, there is no recordings to show that trashes and used articles were left over the place. Chitra Pournami festival is an important festival, an occasion for the political leader of the party to meet their cadres and youth, which is an voluntary assembly and the same cannot be termed as an unlawful assembly, creating any riot or obstacle to the public. Even the loud speakers not seized in this case. It is an admitted case that there was a large gathering. In view of the same, by picking, selecting and registering the cases against the petitioners not proper, which is nothing but abuse of process of law.

8.The only allegation levelled against the petitioners is that they conducted the



meetings beyond the permitted hours and caused hindrance to the public transport and thereby, disturbed the public peace by using loud speakers. Admittedly, in these cases, the occurrences took place in a public place, in public view. Surprisingly, except the official witnesses, none spoke about the occurrence and no public examined to substantiate the charges levelled against the petitioners, which causes serious doubt on the veracity of the complaints. Further, this Court in the case of "**Jeevanandham and others Vs. State Rep. by Inspector of Police and another** reported in (2018) 2 LW Crl. 606" had clearly held that the police officials are not empowered to register a case under Section 188 IPC and the same is barred under Section 195 Cr.P.C. There is no material to show that there was any promulgation of prohibitory orders which was communicated to the public and there was any disobedience by the petitioners. The respondent Police failed to follow the guidelines issued by this Court in **Jeevanandham's case** (cited supra). In several cases, this Court quashed the proceedings against the accused/protesters on similar ground.

9.In the result, the proceedings in C.C.Nos.223 and 224 of 2020, on the file of the Judicial Magistrate Court No.I, Chengalpet, are hereby quashed against the petitioners and against all other accused, who are also similarly placed.



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10. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

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Index: Yes/No  
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M.NIRMAL KUMAR, J.

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- To
- 1.The Judicial Magistrate No.I,  
Chengalpet.
  - 2.The Inspector of Police,  
E1 Mamallapuram Police Station,  
Chengalpet District.
  - 3.The Public Prosecutor,  
High Court, Madras.

Pre-delivery common order in  
CRL.O.P.Nos.10339 and 10954 of 2021

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