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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.8757 OF 2019

AND

CRL.M.P.NO.4641 OF 2019

1.Mohanasundaram

2.Ravi

3.Kala

4.J.Paneerselvam

5.Veeramani

...Petitioners / Accused

Vs.

1.The State by
The Inspector of Police,
Ammamet Police,
Salem City
(Crime No.26 of 2019)

2.Ananthan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.26 of 2019 on the file of the Inspector of Police, Ammapet police station, Salem city dated 23.01.2019 and quash the same.

For Petitioners : No appearance

For R1 : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

For R2 : No appearance

O R D E R

There is no representation for the petitioner.

2. The learned Government Advocate (Crl.Side) for the 1st respondent states that the petitioners herein are arrayed as



accused in Crime No.26 of 2019 based on the complaint dated 23.01.2019 given by one Anandan along with Village Administrative Officer of Masinaickanpatty Village alleging that on 23.01.2019, while he was on duty in respect of measuring the land required for expansion of laying 8 lane road. The petitioner herein gathered unlawfully and prevented him from proceeding to the office. When the Tahsildar and the District Revenue Officer (Land Acquisition) came to the spot to pacify them and sought for disbursal, they refused and restrained the officers from proceeding further. They have also attacked the officers thereby causing injury. The complaint has been registered under Sections 143, 341, 332 and 353 of IPC, and taken up for investigation.

3. Challenging the legality of registering the complaint, the quash petition filed stating that the petitioners have peacefully expressed their fundamental rights under Section 498 of Constitution of India. Though they conducted the demonstration peacefully, false complaint has been lodged against them with malice in protest for acquiring their agricultural land for expansion of the road. The petitioners and others carry out peaceful demonstration in a democratic manner, but culled them by foisting the livelihood and intimidated them, the present complaint has been falsely initiated.

4. It is also brought to the notice of this Court that the State Government has passed G.O.(Ms).No.368, Home (Courts-IV) Department, dated 04.09.2021 withdrawing the cases registered against the protesters in connection with the proposed 8 lane road connecting Chennai and Salem. This Court sought clarification from the learned Government Advocate (Crl.Side) whether the present case covered under the said Government Order.

5. Today, the learned Government Advocate (Crl.Side) furnished a letter of the Inspector of Police, Ammapet Police Station, stating that in respect of Crime No.26 of 2019 on the file of the Ammapet police station, Salem city. No G.O., has been issued for withdrawal of the prosecution, since the offence under Section 353 of IPC is made out. It is also stated in the letter that on completion of investigation, a final report has been filed before the Judicial Magistrate No.V, Salem and assigned C.C.No.1043 of 2019. The matter is adjourned to 29.06.2022 for the appearance of the accused persons.

6. In the light of the above fact, this Court is of the view that since the investigation has already been completed and final report also taken on file by the concerned Magistrate, it is open to the petitioners herein to challenge the final report, if so advised.



7. In the above observation, the Criminal Original Petition to quash the First Information Report is dismissed. Consequently, connected CrI.M.P., is also closed.

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Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

rpl

To

- 1.The Judicial Magistrate No.V,
Salem.
- 2.The Inspector of Police,
Ammamet Police,
Salem City
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.8757 of 2019
and CrI.M.P.No.4641 of 2019

SJ(CO)
RVM(28/06/2022)