



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9653 of 2022
and Crl.M.P.No.5665 of 2022

Pattabi Raman

... Petitioner

Vs.

The State Represented by:-
The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., pleased to pass an order to call for the records connected to the S.T.C.No.249 of 2020 on the file of the Judicial Magistrate, Thiruthuraipoondi and quash the same.

For Petitioner : Mr.S.Sekar

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to call for the records connected to S.T.C.No.249 of 2020 on the file of the Judicial Magistrate, Thiruthuraipoondi and quash the same.

2. The case of the prosecution is that on 30.06.2019, from 12.50 p.m., to 13.15 p.m., in a birthday event of the Zonal Incharge of Tha.Ma.Mu.Ka party, the petitioner and other accused in this case had gathered at Edaiyur Police Station, Thiruthuraipoondi to Muthupettai, ECR Road and raised birthday slogans without any permission and thereby, causing hindrance to the traffic and the public. A suo moto case has been registered in Crime No.90 of 2019 against the petitioner and others for the offences under Sections 143 and 341 of IPC and charge sheet has been filed in S.T.C.No.249 of 2020 on the file of the learned Judicial Magistrate, Thiruthuraipoondi. The said Criminal



Proceedings is under challenge in this Criminal Original Petition.

3. The learned counsel appearing for the petitioner would 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 batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondent would submit that the facts of the case are similar to the facts covered under the Judgment referred above.

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

6.The facts of this case is similar to the facts covered by the Judgment of this Court 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.

7. Further, Section 143 of IPC defines punishment as under:-

'143. Punishment -
Whoever is a member of an unlawful assembly,
shall be punished with imprisonment of either
description for a term which may extent to six
months, or with fine, or with both.'

8. The expression "unlawful assembly" is defined in Section 141 of IPC and any member of the said unlawful assembly is punishable under Section 143 of IPC. If the object of the assembly is not unlawful, the Act cannot attract Section 141 of IPC. Thereby any person forming such assembly cannot neither be convicted under Section 143 of IPC nor can be convicted either under Section 147 or Section 149 of IPC.

9. In view of the above, this Court is of the opinion that no useful purpose will be served by allowing the



proceedings to be continued against the petitioner and other accused also.

10. Accordingly, the Criminal Original Petition stands allowed and considering the facts and submissions, the proceedings in S.T.C.No.249 of 2020, pending on file of the learned Judicial Magistrate, Thiruthuraipoondi is hereby quashed. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rgi
To

1. The Judicial Magistrate
Thiruthuraipoondi
2. The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.9653 of 2022
and Cr1.M.P.No.5665 of 2022

SKM(CO)
SP(17/05/2022)