



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9555 of 2022
and
Crl.M.P.Nos.5578 & 5579 of 2022

N.Karthick

... Petitioner

Vs.

1. The State Represented by:-
The Inspector of Police,
Race Course Police Station,
Coimbatore.
(Crime No.649 of 2019)

2. A.Sakthivel

... Respondents

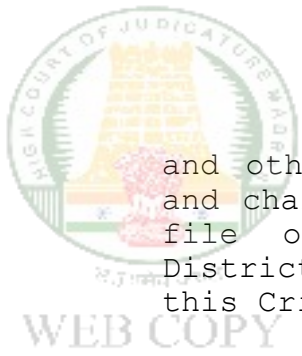
PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to call for the records in S.T.C.No.4309 of 2021, on the file of the learned Judicial Magistrate No.I, Coimbatore and quash the same.

For Petitioner : Mr.G.R.Deepak
For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to call for the records in S.T.C.No.4309 of 2021, on the file of the learned Judicial Magistrate No.I, Coimbatore and quash the same.

2. The case of the prosecution is that on 14.11.2019, at around 11.00 am before the office of the South Tahsildar, Coimbatore, the petitioner belonging to DMK party and also a Member of Legislative Assembly of Singanallur Constituency, Coimbatore and 673 other persons had gathered together and started protesting against the Coimbatore Corporation and raised slogans without any permission and thereby, causing hindrance to the traffic and the public. Based on the complaint, a case has been registered in Crime No.649 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.4309 of 2021 on the file of the learned Judicial Magistrate No.I, Coimbatore District. 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 first 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.4309 of 2021, pending on file of the learned Judicial Magistrate No.I, Coimbatore is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rgi

To

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

+lcc to Mr.G.R.Deepak, Advocate, S.R.No.29180
+lcc to the Public Prosecutor, S.R.No.28429

Crl.O.P.No.9555 of 2022
and
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RGN[co]
NSK/20/05/2022