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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10407 OF 2022

AND

CRL.M.P.NOS.6222 AND 6225 OF 2022

Prabhakaran

... Petitioner

Vs.

1. The State represented by
The Inspector of Police
F-3 Nungambakkam Police Station
Nungambakkam
Chennai - 600006.
(Crime No.504 of 2017)

... 1st Respondent / Complainant

2. T.Sundaramoorthy
The Inspector of Police
F-3 Nungambakkam Police Station
Nungambakkam
Chennai - 600006.

... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in C.C.No.7729 of 2017 pending on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai, and quash the same.

For Petitioner : Mr.I.Periaswamy

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the final report filed against the petitioner for the offences under Sections 143, 149, 353 read with Section 7(1)(a) of the CLA Act.



2. The allegation against the petitioner is that despite the prohibitory order, the petitioner along with others, assembled unlawfully and raised slogans against the Government.

3. Heard Mr.I.Periaswamy learned counsel for the petitioner and Mr.A.Gokulakrishnan, Additional Public Prosecutor appearing for the respondents.

4. On a perusal of the entire final report shows that the petitioner infact has assembled for agitation in a democratic way for demanding Jallikkattu. When persons without indulging any offences gathering in a democratic way to express their dissent or demand, such assembly cannot be construed as unlawful only in order to commit offence. Further there is no particulars what so ever available in the entire final report as to the nature of the prohibitory order imposed by the authority concerned. Such being the position, continuing the prosecution as against the petitioner is nothing but a futile exercise. Therefore, this Court is inclined to quash the final report.

5. In view of the above, the final report in C.C.No.7729 of 2017 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai, filed against the petitioner is quashed.

6. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

ksa-2/nr

To

1. The XIV Metropolitan Magistrate, Egmore, Chennai.

2. The Inspector of Police
F-3 Nungambakkam Police Station
Nungambakkam, Chennai - 600006.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.I.Periaswamy, Advocate, S.R.No.38404 (23/06/2022)

Crl.O.P.No.10407 of 2022

and

Crl.M.P.Nos.6222 and 6225 of 2022

PL(CO)

RLP(21/06/2022)