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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.15367 OF 2021 AND
CRL.M.P.NOS.8403 & 8057 OF 2021

M.Ramakrishnan

... Petitioner/
Accused 1

-Vs-

The State rep by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Cr.No.221 of 2018).

.. Respondents/
Complainant

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the entire records connected with the impugned FIR in Crime No.221 of 2018 dated 13.11.2018 pending investigation on the file of the respondent police and quash the same.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to call for the entire records connected with the impugned FIR in Crime No.221 of 2018 dated 13.11.2018 pending investigation on the file of the respondent police.

2. The case of the prosecution as per the suo-motto complaint filed by the respondent is that the petitioner along with three persons instigated the parents of the victim of sexual offence and the general public to fight for justice by blocking the



3. The learned counsel for the petitioner would submit that the petitioner along with other social workers had indulged in a protest seeking to take stringent action against the perpetrators who have sexually assaulted the poor Tribal girl on 13.11.2008. The victim girl was studying in 12th standard and the public got agitated and the petitioner along with the other groups has only raised their voice seeking for justice and in the incident no violence had erupted and no untoward incident had taken place.

5. The learned Additional Public Prosecutor would submit that the petitioner along with three other persons have protested seeking justice for the death of the Tribal girl, during such time the petitioner have blocked the traffic and when it was questioned by the defacto complainant/respondent. They have abused the defacto complainant. However he would submit that no act of violence or untoward incident had taken place during the protest.

7. In a similar circumstances, this court has held in CrI.O.P.No.4609 of 2021 dated 25.03.2021 as under :-

<https://hcservices.ecourts.gov.in/hcservices/>



peaceful and as already observed no untoward incident took place."

8. In the case of Ananthasamy @ Anandasamy, Sneka @ Snega Vs. The State in Crl.O.P.(MD).No.11785 of 2021, dated 21.09.2021, the Madurai Bench of Hon'ble Madras High Court has held as follows :-

"8. It is a common knowledge that against the Amendment of CAA (Citizenship Amendment Act), several protests, demonstrations and agitations took throughout of India and in abroad also. So, right to protest is well recognised. So, the only qualification is that it should not end in any violation. 9. A reading of the First Information Report shows that they made a protest by shouting slogans against the amendment Act and the Government. But, later, they dispersed themselves. So, it is seen that no untoward or criminal act was occurred. No doubt, conduct protest, without getting any proper permission, is not proper. They also created nuisance in that place. But, entire reading of 161 statement, recording during the course of investigation, shows that the identification of person, who are involved in the occurrence, was not properly investigated. None of the statement recording during the course of investigation, did not speak about the identification of the person, who involved in the demonstration or protest. Then, how the petitioners roped in the above said offence, is not understandable.

10. Moreover, this Court, passed the order in Crl.OP(MD)No.10774 of 2020, dated 05.10.2020, dealing with a similar situation for quash the First Information Report in Crime No.54 of 2020, which was also registered, on the basis of the protest, made by the political party, against the Amendment of CAA (Citizenship Amendment Act). The relevant paragraph of the order is extracted hereunder :-

5.Though, there are prima facie materials to justify the registration of the First Information Report, I am of the view that its continuance is not warranted. This is because no untoward incident had taken place. The country had witnessed protests all over by different sections of people against the said amendments. The petitioner is a member of political party. Therefore, he had also organised a protest. Since the protest was peaceful and even the First Information Report does not disclose any act of violence or happening of untoward incident, I am of the view that the continued prosecution is



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not warranted.--

11. In the light of the above discussion, I am of the considered view that there is no prima facie materials are available against the petitioners. It is nothing, but, clear abuse of process of the Court and law. So, this petition is liable to be quashed.--

9. As stated above, admittedly, no violation is reported in this case and the protest has also not ended in any violence. Therefore, this Court, is of the considered view that further proceedings against the petitioner in Cr.No.221 of 2018 pending on the respondent police is liable to be quashed.

10. In the result, the Criminal Original Petition is allowed quashing the case in Cr.No.221 of 2018 pending on the file of the respondent police. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.15367 of 2021 and
Crl.M.P.Nos.8403 & 8057 of 2021

SKM(CO)
PM/30/03/2022