



Crl.O.P No.23659 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.23659 of 2019

1. Thirumalaisamy
2. Thirumoorthi
3. Suryakumar
4. P.Thanya

... Petitioners

Vs.

1. State, Represented by,
The Sub-Inspector of Police,
Vadavalli Police Station,
Coimbatore.
(Cr. No.41 of 2019)

2. The Village Administrative Officer,
Vadavalli,
Coimbatore.

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the first information report in Crime No.41 of 2019 pending investigation on the file of the Sub-Inspector of Police, Vadavalli Police Station, Coimbatore and quash the same.

For Petitioners : Mr. A.Balamurugan

For Respondents : Mr. A.Gopinath

Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition is filed to call for the records pertaining to the FIR in Crime No.41 of 2019 pending on the file of the Sub-Inspector of Police, Vadavalli Police Station, Coimbatore and quash the same.

2. The case of the prosecution is that on 14.03.2019 at about 3.30 p.m, nearly 150 students of Government Law College, Coimbatore including the named accused had assembled and conducted a procession without getting any prior permission from the police and in violation of the the conduct of elections rules which was in force at the time of occurrence and obstructed the movement of vehicles. They also raised the slogans. On a complaint given in this regard, a case has been registered in Cr. No.41/2019 for the offences under Section 143, 341 & 353 IPC.

3. The learned counsel for the petitioner submitted that the petitioners are the students of the Government Law College, Coimbatore and they have conducted the protest by condemning the brutal sexual assault made on some innocent girls; no offence under Section 143 IPC is made out for



merely violating the order of the police; the petitioners were in the procession, but they did not cause any hindrance to the public or to their vehicle; hence an offence under Section 341 IPC also cannot be made out; the petitioners did not prevent the *de facto* complainant to discharge his duty; the allegations made against the petitioners are baseless and hence, the First Information Report is liable to be quashed.

4. The learned Government Advocate (Crl.side) submitted that the petitioners who are students of Government Law College have demonstrated a procession without getting any prior permission and in view of that there was a traffic jam and movement of vehicle and public was affected; the student did not even allow the traffic police to regulate the traffic; hence investigation should be allowed to go.

5. The records would show that the students of Government Law College, Coimbatore have demonstrated protest condemning the brutal sexual assault caused on the young victim girls at Pollachi. The said case was a sensational one and the petitioners being the students of Law had thought to register their protest by conducting a procession.



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6. The *de facto* complainant / Village Administrative Officer has stated that he got an intimation that the Law college students were going in a procession. It is correct that the petitioners and others did not seek any prior permission in view of the conduct of elections rules which was in force at the relevant time. However, no material has been produced to show that the students had unlawfully assembled for causing any criminal act. There is no allegation in the complaint that the students had used any criminal force or they had assaulted any public official so as to prevent him from executing his duties.

7. Mere violation of police orders cannot be a ground to register an First Information Report against the students who just wanted to sensitize the public about the brutal sexual assault that took place at Pollachi. In fact the college authorities did not opt to suspend the students by considering the fact that the protest was conducted only for condemning the brutal social offence committed on some young students.

8. The learned counsel for the petitioner produced a notice dated 23.02.2019 issued by the Principal, Government Law College, Coimbatore



wherein the Principal had assured negotiation with the authorities for withdrawal of this case. However, no further action seems to have taken by the college authorities in this regard.

9. It is learnt that the students have completed their course and got themselves enrolled as Advocates. The petitioners and others did not assemble in the place of occurrence with any intention to cause violence or to commit any criminal offence. Instead they conducted peaceful demonstration to attract the attention of stake holders who deal the crime against the girls.

10. First of all, there is no basic ingredients to show that the petitioners had assembled unlawfully and had used criminal force. The Village Administrative Officer who gave the complaint has stated that he got an information that the students went in a procession. The students had peacefully recorded their protest and sensitized the public and others about sexual offences against girls and particularly the occurrence that had occurred at Pollachi.



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11. The petitioners did not have any criminal intention and the same was vouched by their College Principal through a notice; Criminalizing the petitioners who are students would affect their future. I do not find enough materials against the petitioners to make out a case under Section 143, 341, 353 IPC. Hence, I feel it is appropriate to invoke the powers of this Court under Section 482 Cr.P.C. to quash the proceedings in order to secure the ends of justice.

12. In view of the above stated reasons, this Criminal Original Petition is allowed and the First Information Report in Cr. No.41 of 2019 on the file of the first respondent is quashed.

21.12.2022

Index : Yes/No
Speaking Order : Yes / No
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To:

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1. The Sub-Inspector of Police,
Vadavalli Police Station,
Coimbatore.
(Cr. No.41 of 2019)
2. The Village Administrative Officer,
Vadavalli,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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