



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1186 of 2022

and

Crl.M.P. (MD)Nos.851 and 852 of 2022

1.Saran
2.Gopinath
3.Vilswakumar
4.Jahir Basha
5.Saravanakumar
6.Bagathsingh
7.Bavalsithan
8.Parthasarathy
9.Uthayakumar
10.Manickkam

... Petitioners

Vs.

1.The State represented by
The Sub Inspector of Police (Crime),
Thilagar Thidal Police Station,
Madurai District.
In Crime No.971 of 2016

2.P.Chandrasekaran,
Sub Inspector of Police,
C-4, Thilagar Thidal (Law & Order) Police Station,
Madurai City.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the record in STC No.561 of 2016 on the file of the Judicial Magistrate No.2, Madurai District and quash the same as devoid of merits.

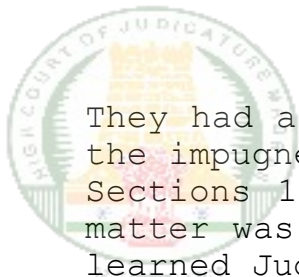
For Petitioners : Mr.A.Haja Mohideen
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioners are members of a recognized organization by name TYFI. They had assembled in public on 02.09.2016 without getting prior permission and raised slogans condemning price rise.

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



They had also raised a few other public issues. For having done so, the impugned prosecution came to be initiated for the offences under Sections 143 and 188 of IPC. The case was charge sheeted and the matter was taken on file in S.T.C.No.561 of 2016 on the file of the learned Judicial Magistrate No.II, Madurai.

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3.As rightly pointed out by the learned counsel for the petitioners, the police could not have registered an FIR for the offence under Section 188 of IPC on their own. That clearly runs to counter to the ratio laid down in the decision reported **2018(2) L.W (Cr1.) 606 (Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another)**. The very same judgment also holds that a group cannot causally characterized as an unlawful assembly. In this case, the petitioners have only raised certain public issues. No adverse consequence ensued and they did not indulge in any act of violence. Therefore, continuance of the impugned prosecution is not warranted. The impugned proceedings are quashed and the criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also, if any. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Judicial Magistrate No.II, Madurai.

2.The Sub Inspector of Police (Crime),
Thilagar Thidal Police Station, Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P (MD)No.1186 of 2022
24.01.2022

KMV (CO)

TR(08.02.2022) 2P 4C