



Crl.O.P.(MD) No.13012 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13012 of 2022

S.Saravanan

... Petitioner/ Accused No.18

Vs

1. The State Represented by

The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.

(in Crime No. 129 of 2018)

... 1st Respondent/ Complainant

2. Vijayakumar

... 2nd Respondent/ De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the impugned C.C.No.91 of 2019 on the file of the learned Judicial Magistrate No.I, Pudukkottai and quash the same.

For Petitioner : Mr.P.Aju Tagore

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor.



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ORDER

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This Criminal Original Petition has been filed challenging the Criminal Proceedings in C.C.No.91 of 2019, on the file of the learned Judicial Magistrate No.I, Pudukkottai.

2. The learned counsel for the petitioner submitted that the petitioner is the 18th accused in C.C.No.91 of 2019, on the file of the learned Judicial Magistrate No.I, Pudukkottai. The allegation against the petitioner is that on 10.07.2018 at about 10.15 a.m, the first respondent while on their routine surveillance, found this petitioner and others said to have unlawfully assembled near old Government Hospital, Pudukkottai in order to draw the attention of the general public as well as the Government made demonstration against the Health Minister in spite of prohibition order passed under section 30(2) of the Police Act. After completion of the investigation, charge sheet has also been filed against this petitioner and other accused in Crime No.129 of 2018 for the offence under Sections 143, 188, 341, 353, 506(i) I.P.C and 7(1)(a) Criminal Law Amendment Act.



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3. The petitioner along with other accused only to impress the Health Minister of the Government of Tamil Nadu, while he was visiting the Government Hospital, Pudukkottai and they are not formed for any illegal activities and they only make demonstration against the Health Minister. Therefore, no offence as stated by the prosecution is made out the criminal proceedings. He further submitted that another accused A-19 approached this Court, and has filed Criminal Original Petition in Crl.O.P(MD) No. 16966 of 2021, and the same was allowed on 02.11.2021 by this Court and it is pleaded to allow this petition.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that the criminal proceedings against the accused No. 19 is quashed by this Court, dated 02.11.2021.

5. I have considered the matter in the light of the submissions made by the learned counsel for both parties and perused the records.

6. On a perusal of the records, it shows that on 10.07.2018, at about 10.15 a.m., while on routine surveillance of the respondent, they found this



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petitioner and others said to have unlawfully assembled near old Government Hospital, Pudukkottai in order to draw the attention of the general public as well as the Government and made demonstration against the Health Minister, in spite of prohibition order passed under Section 30(2) of the Police Act.

7. On a perusal of the statement of the prosecution witnesses, it is seen that there is no allegation that the petitioner and other accused caused any nuisance to the general public. They have not assembled with any common intention to resist the execution of any law, or of any legal process or to commit any mischief or criminal trespass, or other offence or by means of criminal force, or show of criminal force, to compel any persons to do what he is not legally bound to do, or to omit to do what he is legally entitled to do. The requirements of Section 141 I.P.C is not satisfied. No offence is made out against the petitioner to prosecute the criminal proceedings for the offence under Sections 143, 188, 341, 353 506(1) I.P.C and 7(1)(a) Criminal Amended Act.



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8. In these circumstances, continuing the criminal proceedings against this petitioner would be abuse of process of law and hence it is liable to be quashed.

9. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings pending against the petitioner in C.C.No.91 of 2019 on the file of the learned Judicial Magistrate No.I, Pudukkottai, is quashed.

20.07.2022

Internet:Yes./No
Index:Yes/no
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To

1. The Judicial Magistrate No.I,
Pudukkottai.
2. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

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ORDER IN
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