



Crl.O.P.No.887 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.887 of 2022

and

Crl.M.P.No.308 of 2022

1. Vagaivendan
2. Kumar
3. Saravanan
4. Vasanthakumar
5. Sasha
6. Kudiyarasupandiyan
7. Rajan
8. Sribugha
9. Praveen Kumar
10. Karthikeyan
11. Saravana Kumar
12. Sridharraj
13. Micheal Francis
14. Perumal
15. Donraj
16. Raja
17. Vinoth
18. Ayyanar
19. Sathish
20. Saravanan
21. Balu
22. Boominathan
23. Akilan
24. Rajkumar
25. Manikandan
26. Rajasekar
27. Immanuel



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28. Ramasamy
29. Vasanth Raj

....

Petitioners

Vs

State by
Inspector of Police,
K1, Sembium Police Station,
Perambur, Chennai.
Crime No.1268/2017

....

Respondent

Prayer:- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire proceedings in C.C.No.1327 of 2019 against the petitioners/accused pending on the file of the V Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.S.Xavier Felix

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1327 of 2019 against the petitioners/accused pending on the file of the V Metropolitan Magistrate, Egmore, Chennai.

2. The case of the prosecution is that the accused persons formed themselves into an unlawful assembly and were agitating against the implementation of NEET and this agitation was conducted without obtaining any permission and thereby, the accused persons caused



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disturbance to the general public by conducting dharna and made an attempt to obstruct the train. There are totally 29 accused in this case and the petitioners have been arrayed as accused persons in this case.

3. Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (CrI.Side) appearing for the respondent.

4. In order to sustain a charge under Section 143 of IPC, the prosecution must fulfill the requirements of Section 141 of IPC which defines an unlawful assembly. The prosecution must be able to bring the case within the five ingredients as specified under Section 141 of IPC. In the present case, the prosecution has alleged that the petitioner has committed an offence under Section 341 of IPC. In order to constitute an offence of wrongful restraint, the prosecution has to fulfil the requirements of Section 339 of IPC. To bring a case under Section 339 of IPC, there must be a *prima facie* material to show that there is a voluntary obstruction of any person and through such obstruction the accused person should have prevented that person from proceeding in any direction in which he has a right to proceed. In other words, the accused



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persons should have physically restricted the normal movement of a person.

5. In the present case, the allegation made against the accused persons is that they involved in an agitation and thereby caused disruption to the traffic. The allegations made in the final report and the statement of the witnesses does not either make out an offence under Section 143 of IPC or under Section 341 of IPC.

6. In view of the above, no useful purpose will be served in continuing with the criminal prosecution against the petitioners and accordingly, the proceedings in C.C.No.1327 of 2019 against the petitioners/accused pending on the file of the V Metropolitan Magistrate, Egmore, Chennai, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

24.11.2023

Index:Yes/No
Internet:Yes/No
mn



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G.K.ILANTHIRAIYAN,J.

mn

To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
K1, Sembium Police Station,
Perambur, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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and
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