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Crl.O.P.No.3849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3849 of 2023

and

Crl.M.P.No.2429 of 2023

- 1.Ramya
- 2.Rachel Grace Esther
- 3.Dhanabakyam
- 4.Viswa

... Petitioners

Vs.

- 1.The State rep by
The Inspector of Police,
Race Course Police Station,
Coimbatore City.
Crime No.197 of 2019

- 2.K.Rajinikanth,
The Inspector of Police,
Race Course Police Station,
Coimbatore City.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records in S.T.C.No.4013 of 2019 pending on the file of the Judicial Magistrate No.III, Coimbatore and quash the same against the petitioners.



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For Petitioners : Mr.M.Jaikumar
For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.4013 of 2019 pending on the file of the learned Judicial Magistrate No.III, Coimbatore.

2.The case of the prosecution is that on 17.03.2019 at about 11.30a.m., when the second respondent and other officials are on regular patrol, one Dinesh Raja along with 10 male students and 22 female students unlawfully assembled at Bigbazar Junction, Race Course Road without any prior permission. Thereafter, the said persons prevented free flow of traffic and asked to arrest real accused involved in Pollachi sexual abuse case and raised slogans against the Government as well as the police. Hence, the present case.



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3. Based on the complaint given by the *de-facto* complainant, the first respondent had registered a case in Crime No.197 of 2019 on 17.03.2019 for the offences under Sections 143 and 341 of IPC.

4. The learned counsel appearing for the petitioners submitted that the petitioners and other accused are citizens of this Country and the Constitution of this Country guarantees its citizens the freedom of speech and expression, assemble peacefully and without arms and to form Associations and to move freely throughout the Territory of India. The petitioners have peacefully assembled and demonstrated without causing any disturbance and they have not involved in any act of violence and even as per the version of the prosecution no untoward incident had happened. He further submitted that this Court in similar matters where demonstrations were made against the policies of the Government had in CrI.OP(MD).No.12438 of 2020 dated 05.11.2020 and CrI.OP(MD).No.4609 of 2021 dated 25.03.2021, had quashed the proceedings thereunder. The learned counsel for the petitioners further



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submitted that this Court in those cases found that no offences were made out against the accused therein and had quashed the entire proceedings in respect of all the accused. The learned counsel for the petitioners also relied on the relevant portion of the order of this Court in:

(i)Crl.O.P(MD) No.12438 of 2020 dated 05.11.2020, which reads as follows:-

"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. 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 not warranted. Quashing the same will secure the ends of justice."

(ii) In Crl.O.P.No.4609 of 2021 dated 25.03.2021, which reads as follows:

"4.It is to be pointed out that no untoward incident had taken place. The petitioner has organized the protest and the First Information Report has not disclosed any act of violence. It must be unequivocally emphasized that the Constitution of India gives its Citizens the right to



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freedom of speech and expression, assemble peacefully and without arms, to form Association and Unions and to move freely throughout the Territory of India under Article 19(1) (a), (b), (c) and (d) of the Constitution of India. But the course these rights come with terms and conditions. In the instant case, the protest was peaceful and as already observed no untoward incident took place.”

5.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the petitioners and the other accused by their acts committed public nuisance and interfered with free movement of public and flow of traffic.

6.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the entire materials available on record.

7.In this instant case, the protest was peaceful and as already observed no untoward incident had taken place. Except the official witnesses, no independent witness was examined in support of the prosecution case.



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8.In view of the above, this Court is of the considered view that, continuation of the proceedings as against the petitioners is not sustainable and quashing the same will secure the ends of Justice. The proceedings in S.T.C.No.4013 of 2019 on the file of the learned Judicial Magistrate No.III, Coimbatore is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

22.02.2023

Index:Yes/No
Speaking/Non speaking order
sp



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To

- 1.The Judicial Magistrate III,
Coimbatore.
- 2.The Inspector of Police,
Race Course Police Station,
Coimbatore City.
- 3.K.Rajinikanth,
The Inspector of Police,
Race Course Police Station,
Coimbatore City.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

sp

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