



Crl.O.P.No.9828 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No. 9828 of 2021

&

Crl. M.P.Nos. 6068 & 6069 of 2021

1.Prabakaran

2.Sathyaran

3.Ramraj

... Petitioners

Vs.

1.State by
Inspector of Police,
Barur Police Station,
Krishnagiri District.

2.Iswarya

... Respondents



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WEB CO **PRAYER:** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in connection with the S.T.C.No.263 of 2020 on the file of the District Munsiff-cum-Judicial Magistrate, Pochampalli and quash the same.

For Petitioners : Mr. K.Thiruvengadam

For Respondent 1 : Mr. A.Damodaran
Additional Public Prosecutor.

ORDER

It is the case of the prosecution that the petitioners who are arrayed as A3, A6 and A9 in the final report, along with the others had protested at about 11.30 a.m., on 02.03.2020, stating that they had suspicion in the death of one Rajini and caused nuisance to the general public.

2. The learned counsel for the petitioners submitted that the



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petitioners protested peacefully and they have right to do so. The impugned final report even if accepted to be true does not attract any of the offences alleged. The petitioners did not form any unlawful assembly or obstructed, assaulted or used criminal force on any public servant. There is nothing in the impugned charge sheet to show that the petitioners had committed the offences of wrongful restraint.

3. Per contra, the learned Additional Public Prosecutor appearing for the first respondent, submitted that the petitioners had staged a protest and such protest was conducted without any valid permission. They had obstructed the traffic besides preventing the public servants from discharging their duty. The learned Additional Public Prosecutor, therefore submitted that the quash petition filed by the petitioners is liable to be dismissed.

4. As regards the offence under Section 143 of the Indian Penal Code, it is seen that the charge sheet does not state as to how the protest by the petitioners attracted the offence of unlawful assembly. A



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WEB COPY 7. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected miscellaneous petitions are closed. No costs.

08.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation :Yes/No

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To

1.The District Munsif - cum – Judicial Magistrate I,
Pochampalli.



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SUNDER MOHAN. J,

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