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Crl.O.P.No.17172 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

CRL.O.P No.17172 of 2023

and

Crl.M.P Nos.11056 and 11057 of 2023

1. M.Jahir Hussain
2. M.S.Chandra Mohan
3. Jayaram Venkatesan
4. Syed Athher Ahmed
5. T.Baskar
6. K.Balakrushnan
7. K.Divya

... Petitioners

Vs.

State of Tamil Nadu  
Rep.by Inspector of Police,  
E4 Abhiramapuram Police Station,  
Chennai - 600 018.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for records of the police final report in CC.No.510 of 2018 on the file of Learned Metropolitan Magistrate No.XXIII, Saidapet, quash the same.



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For Petitioners : Dr.V.Suresh  
For R1 : Mr.A.Damodaran  
Additional Public Prosecutor

### ORDER

This Criminal Original petition has been filed to quash the proceedings in CC No.510 of 2018 on the file of learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the prosecution is that the accused persons had formed an unlawful assembly and on 21.03.2015 at about 9.45 a.m, they came before the official residence of the Chief Minister and made a protest. Even when they were asked to leave, they insisted that they must meet the Chief Minister and thereafter, they prevented the police officials from performing their duty and in the said process, one of the police officer is said to have sustained simple injuries. Based on the complaint given by the police officer, an FIR came to be registered in Crime No.1188 of 2015 by the respondent police for offences under Section



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147, 341, 323, 353, 447, 506(i) r/w. 7(1) a of the Criminal Law  
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Amendment Act, 1932.

3. The investigation was taken up and the final report has been filed as against fifty named accused persons and the same has been taken on file by the Court below in CC No.510 of 2018 for offences under Section 147, 341, 323, 353, 447, 506(i) r/w 7(1) (a) of the CLA Act. Aggrieved by the same, the present Criminal original petition has been filed by some of the accused persons (A1, A2, A5, A28, A33, A44 and A49).

4. Heard Dr.V.Suresh, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for 1<sup>st</sup> respondent.

5. On carefully going through the allegations made in the final report and also the statements that have been recorded from the



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witnesses, it is seen that the accused persons have come together in order to make their protest regarding the corruption in appointments that were made in agricultural department and to take action against the concerned Minister. Such gathering by no stretch can be held to be an unlawful assembly. That apart, they wanted to make their demand to the Chief Minister and in the said process, there was some melee. Taking into consideration the entire facts and circumstances of the case and also the statements collected from the witnesses, this Court does not find any offence to be made out against the accused persons. No useful purpose will be served in continuing with the criminal proceedings against the accused persons. In view of the same, this Court is inclined to interfere with the criminal proceedings as against all the accused persons.

6. In the light of the above discussion, the proceedings in CC.No.510 of 2018 on the file of Learned Metropolitan Magistrate No.XXIII, Saidapet, is hereby quashed in entirety against all the accused persons and the Criminal Original petition stands allowed. Consequently,



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the connected miscellaneous petitions are closed.

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**04.08.2023**

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To

1. The Learned Metropolitan Magistrate No.XXIII,  
Saidapet,
2. The Inspector of Police,  
E4 Abhiramapuram Police Station,  
Chennai - 600 018.
3. The Public Prosecutor,  
High Court, Madras



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**N.ANAND VENKATESH, J**

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