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CrI.O.P.No.17803 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P Nos.17783, 17800, 17803, 17821, 17837, 17846
and 17881 of 2023 and 17885 of 2023
and
CrI.M.P.Nos.11684, 11685, 11698, 11700, 11705, 11707,
11730, 11731, 11742, 11744, 11749, 11788, 11780, 11782,
11774 and 11777 of 2023

CrI.O.P.No.17783 of 2023:

K.Singaram

...Petitioners

VS.

1.The State rep by its
Inspector of Police,
B1,Dharmapuri Police Station,
Dharmapuri District.
Crime No.1640 of 2021

2.Sakkapan
Village Administrative Officer,
Vellaegoundenpalayam,
Dharmapuri.

...Respondents



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COMMON PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the STC.No.712 of 2023 on the file of the learned Judicial Magistrate No.I, Dharmapuri and quash the same.

For Petitioners
in all OPs : Mr.M.Mohamed Riyaz

For Respondents
in all OPs : Mr.E.Raj Thilak,
Additional Public Prosecutor, for R1

COMMON ORDER

These criminal original petitions have been filed to quash the proceedings in STC No.712 of 2023 on the file of the learned Judicial Magistrate No.1, Dharmapuri.

2. Heard the learned counsel for the petitioners and Mr.E.Raj Thilak, learned Additional Public Prosecutor for the 1st respondent.



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3. The case of the prosecution is that on 17.12.2021 at about 10.45 a.m., the petitioners along with others had assembled and protested against the Government without following the Covid protocol. That apart, they also used filthy language during the protest and mislead the public by giving the wrong statistics on the death rate of the Covid victims. A complaint was given in this regard by the 2nd respondent to the 1st respondent and an FIR came to be registered in Crime No.1640 of 2021. Ultimately, a final report was filed before the Court below and it was taken cognizance for offence under Section 143, 269 and 294(b) of IPC. The same has been put to challenge in this petition.

4. In the considered view of this Court, the final report that has been taken cognizance by the Court below is clearly barred under Section 468 of Cr.Pc. The offence under Section 143 of IPC is punishable with a maximum imprisonment of six months. The offence under Section 269 of IPC is also punishable with the maximum imprisonment of six months. The offence under Section 294(b) is punishable with the maximum imprisonment of three months. In view of the same, the final report ought to have been filed within one year. In this case, the final report has been filed only in 2023 . The Court below while taking cognizance did not pass any order under Section 473 of Cr.PC and straight away cognizance was taken. The order passed by the Court



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below taking cognizance is illegal and the final report has been taken cognizance when it is barred under Section 468 of Cr.PC.

5. In the light of the above discussion, the proceedings in STC No.712 of 2023 on the file of the learned Judicial Magistrate No.1, Dharmapuri, is hereby quashed. These Criminal Original petitions are accordingly allowed. Consequently, the connected miscellaneous petitions are closed.

10.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa
To

1. Inspector of Police,
B1, Dharmapuri Police Station,
Dharmapuri District.
Crime No.1640 of 2021

2. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

nsa

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11700, 11705, 11707, 11730, 11731, 11742,
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