



Crl.O.P.No.21171 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 07.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.21171 of 2019 and
Crl.M.P.No.10964 & 10965 of 2019

- 1.Kathiravan
- 2.Kalaivanan
- 3.Avinash
- 4.Hari
- 5.Tamilarasu
- 6.Haribabu
- 7.Kathiravan
- 8.Sriramulu
- 9.Aravinth
- 10.Raji
- 11.Ashok Kumar
- 12.Sundar
- 13.Kumar
- 14.Padmanabhan
- 15.Murugavel
- 16.Kannan
- 17.Senthilkumar
- 18.Natarajan
- 19.Ramaniah
- 20.Sivalingam
- 21.Mohan
- 22.Minoappan
- 23.Boopalan
- 24.Baskaramoorthy
- 25.Baskaran @ Kutty
- 26.Balaji



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27.Anand

28.Narayanan

29.Elumalai

30.Thirupathi

... Petitioners

Vs.

1.State Represented by

The Inspector of Police,

C2, Elephant Gate Police Station,

Chennai-600 079.

(Crime No.568 of 2017)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in connection with the final report in C.C.No.1739 of 2017 on the file of Hon'ble VIII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.B.Ullasavelan

For Respondents : Mr.A.Damodaran,
Addl. Public Prosecutor for R1

No appearance for R2

ORDER

The petitioners seek to quash the final report in C.C. No. 1739 of 2017 on the file of the VIII Metropolitan Magistrate, George Town, Chennai for the offences under Sections 145, 341 and 7(1)(a) CLA Act r/w.34 of IPC.

2. The allegation in the charge sheet is that the petitioners had assembled on 13.03.2017 at 10.00 a.m. before the ration shops to protest



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against non-supply of essential ration items to the persons who are living under the poverty-line.

3. The reading of the final report would show that the petitioners assembled peacefully to protest in front of the ration shops against the non-supply of essential ration items. It is the case of the petitioners that they assembled 50 feet away from the ration shop and raised slogans and therefore, they were arrested and released after six hours.

4. This Court is of the view that the allegation would not constitute the offence of unlawful assembly and wrongful restraint. The protest by a group of people by itself cannot be termed as unlawful assembly. That apart, there is nothing in the impugned charge sheet to suggest that any person was wrongly restrained or any public servant was prevented from doing his duty, so as to attract the offence under Section 341 IPC.

5. The facts of this case is covered by the judgment of this Court in *Jeevanandham and another v. State, Karur District* (2018 2 LW crl 606) wherein this Court has quashed the similar proceedings on the ground that the



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right to protest cannot be stifled by registering a first information report
termining the assembly as unlawful assembly. A democratic dissent can be made
by the citizens and prosecutions which are aimed to prevent it will amount to
violation of fundamental rights guaranteed under the Constitution.

6. This Court finds that the impugned final report does not specify the
year of the CLA Act. The provision namely Section 7(1)(a) of the CLA Act is
mechanically added by the respondent.

7. For the above reasons, the impugned charge sheet in C.C.No.1739 of
2017 is quashed. Hence, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking / Non Speaking Order



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To

1.The VIII Metropolitan Magistrate,
George Town, Chennai

2.The Inspector of Police,
C2, Elephant Gate Police Station,
Chennai-600 079.

3.The Public Prosecutor,
High Court, Madras.



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