



Crl.O.P.No.22233 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.03.2023

CORAM:

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

Crl.O.P.No.22233 of 2019 and
Crl.M.P.No.11531 & 11532 of 2019

- 1.G.Ramamurthi
- 2.Tharani
- 3.Venugopal
- 4.Stalin
- 5.Sankar
- 6.Velayudam
- 7.Senthil Kumar
- 8.Vinayagam
- 9.Kumar
- 10.Harishkumar
- 11.Karunakaran
- 12.Irudayaraj
- 13.Nehru
- 14.Kalaivanan
- 15.Kasthuri
- 16.Karuna
- 17.Dinesh
- 18.Selvi
- 19.Rani
- 20.Krishnaveni
- 21.Pachaimuthu
- 22.Ramesh
- 23.Madhan
- 24.Muthu
- 25.Venkatesan
- 26.Arivumani



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27.Ramachandran

28.Alex

29.Gunanathan

30.Balaji

31.Suresh

32.Padmavathi

33.Murugammal

34.Nagaraj

35.Munusamy

... Petitioners

Vs.

State Represented by
The Inspector of Police,
C2, Elephant Gate Police Station,
Chennai-600 079.
(Crime No.567 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.1738 of 2018 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

ORDER

The petitioners seek to quash the final report in C.C. No. 1738 of 2018 on the file of the VIII Metropolitan Magistrate, George Town, Chennai for the offences under Sections 145, 341 and 7(1)(a) of CLA Act r/w.34 of IPC.



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2. The allegation under the charge sheet is that the petitioners had assembled on 13.03.2017 at 9.00 a.m. before the ration shops to protest 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.



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WEB COPY 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 right to protest cannot be stifled by registering a first information report terming 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.1738 of 2018 is quashed. Hence, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

07.03.2023

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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