



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.21272 of 2023
and Crl.MP.No.14658 of 2023

Veeresh nalamada (M/28/2023)

.. Petitioner/Accused No.10

.Vs.

1.The Inspector of Police
Kalapet Police Station
Puducherry.
Crime No.42 of 2015

.. Respondent/Complainant

2.R.Devaisigamani
S/o.Ramachandran
Office Manager
Dept. of Physical Education and Sports
Pondicheery.

.. Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in connection with the charge sheet in C.C.No.104 of 2017, before the learned Judicial Magistrate No.II, Puducherry and quash the same insofar as the petitioner is concerned.

For Petitioner : Ms.T.Lavanya

For Respondents: Mr.K.S.Mohandoss
Additional Public Prosecutor
Puducherry
for R1

**ORDER**

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This criminal original petition has been filed seeking to quash the proceedings in C.C.No.104. Pending on the file of the Judicial Magistrate No.II, Puducherry.

2.The case of the prosecution is that on 31.7.2015 at about 9.30 hours, the accused persons had formed themselves into an unlawful assembly and had wrongfully restrained the 2nd respondent and other staff belonging to the Puducherry University and preventing them from doing their official duty. As a result, there was a lot of internal disturbance in the administration of the Puducherry University. According to the 2nd respondent, the entire incident had taken place only due to A1 abetting the other students. Based on the complaint, an FIR came to be registered in Crime No.42 of 2015 on 31.7.2015. On completion of the investigation, final report has been filed before the Court below against 28 accused persons and the same has been taken cognizance by the Court below for offense u/s.147, 341,353,332,109 IPC r/w 149 IPC. The final report has been put to challenge by the petitioner, who has been arrayed as A.10 in this case.

3.Heard Ms.T.Lavanya, learned counsel for the petitioner and Mr.K.S.Mohandoss, learned Additional Public Prosecutor (P) for R1.

4.It is brought to the notice of this Court that the case is still in the



stage of issuance of fresh summons to the accused persons. From the year 2017 onwards, there has been absolutely no progress in this case. The students have already completed their course and they have settled at various places. To identify the accused persons in this case, will be next to impossible since the incident had taken place in the year 2015 and more than 8 years have passed. No useful purpose will be served in keeping the proceedings in pending before the Court.

5.This Court had an opportunity to deal with a similar issue in CrI.OP.No.10186 of 2022 and this Court quashed the proceedings on the ground that every protest will not result in an unlawful assembly.

6.The students who were involved in this case have all completed their course long back and have settled in various places. The petitioner in this case has raised a ground that he has been falsely implicated in this case and that he is not even aware of the incident. Similar such defence will be taken by the other students also. In the first place, the accused persons should be served with notice/summons and now they have settled in various places. Therefore, the service of summons is going to take a very long-time. The entire incident had taken place in the spur of the moment and no useful purpose will be served in keeping the proceedings pending.



In the light of the above discussion, the proceedings in C.C.No.104 of 2017, pending on the file of Judicial Magistrate No.II, Puducherry is hereby quashed in its entirety and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

26.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



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To

- 1.The Inspector of Police
Kalapet Police Station
Puducherry.
- 2.R.Devaisigamani
S/o.Ramachandran
Office Manager
Dept. of Physical Education and Sports
Pondicheery.
3. Judicial Magistrate No.II,
Puducherry.
- 4.The Public Prosecutor
High Court, Madras.



6

N. ANAND VENKATESH, J.
KP

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