



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD).No.20102 of 2023

and

Crl.MP (MD) Nos.15749 & 15750 of 2023

Moovenderan

... Petitioner

-VS-

1.The State rep. by
Sub Inspector of Police,
Subramaniapuram Police Station,
Madurai City.

2.S.Thamburaj

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned final report filed in CC. No.852 of 2021 on the file of the learned Judicial Magistrate Court No.1, Madurai concerned in Crime No.690 of 2019 on the file of the Sub Inspector of Police, Subramaniapuram, Madurai City, quash the same and allow this Criminal Original Petition on the file of this Court.

For Petitioner	: Mr.K.Muthu Ganesa Pandian
For Respondent 1	: Mr.Babu Muthu Meeran, Additional Public Prosecutor

ORDER



This is a petition to quash the final report filed by the respondent police, based on the investigation conducted in Crime No.690 of 2019 on the file of the Sub Inspector of Police, Subramaniapuram, Madurai City.

2. The specific allegation as found in the final report is that on 17.12.2019, members of the particular political parties who were the opposition party during the relevant point of time had congregated near Jeyam Theatre at Pazhanganatham, Madurai Town in front of Suyambulingam Departmental Store, defying the prohibitory order issued by the Police and mounted the EICHER Vehicle raising slogans against the Central Government and State Government using public adverse system, opposing the Citizenship Act. Hence, a case has been registered under Sections 143, 283 and 290 IPC and 71A(1), 73 of the Tamil Nadu City Police Act, 1988.

3. The learned counsel for the petitioner/13th accused, submitted that it is a suo motu complaint registered by the Police, no public has given a complaint regarding any disturbance, there was no damage to the public property. There is no whisper in the complaint or in the final report about any resistance to the execution of any law or legal process. When there is no material to show that there was mischief or criminal trespass or even any deprivation of right by way



of use of criminal force, the final report filed by the first respondent Police is politically motivated, highly exaggerated without any iota of evidence, hence liable to be quashed.

4. On perusing the records and hearing the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State, this Court finds that without permission, congregation about 400 persons been convened by a political party, two of them were sitting members of the legislative assembly. When there was a prohibitory order for assembly, defying the order, they have congregated, used public adverse system and raised slogans in the public place which is junction of main road connecting all important places in the city of Madurai viz., Kalavasal, Thiruparngundram and Periyar Bus Stand.

5. The contention of the learned counsel for the petitioner is that the complaint by the police is motivated, does not carry any merits. Police has done their duty and had filed their final report. The petitioners are bound to face the trial, in view of their specific violation of the prohibitory order which was in force at the relevant point of time.



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Crl.O.P. (MD) No.20102 of 2



Dr.G.JAYACHANDRAN, J.

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6. Hence, this petition is dismissed. Connected Miscellaneous Petitions are dismissed.

20.11.2023

Internet : Yes/No
Index : Yes/No
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To

1. The Judicial Magistrate,
Subramaniapuram, Madurai.
2. The Sub Inspector of Police,
Subramaniapuram Police Station,
Madurai City.
3. The Public Prosecutor,
Madras High Court, Madras.

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