



Crl.O.P.No.1531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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M.Abuset

... Petitioner

Vs.

1. The State,
Represented by the Sub-Inspector of Police,
Arumbavoor Police Station,
Perambalur – 621 103.

2. Sathish Kumar

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the impugned First Information Report in Crime No.52 of 2022, on the file of the 1st respondent Police Station and quash the same.

For Petitioner : Mr.B.Ram Prasath

For Respondents : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C.,
praying to call for the records pertaining to the impugned First Information



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Report in Crime No.52 of 2022, on the file of the 1st respondent Police

Station and quash the same.

2. The learned counsel for the petitioner submits that the petitioner had only peacefully and democratically proceeded against the refusal to grant permission to conduct Jallikattu. However, the present case has been voiced against them.

3. In response, learned Government Advocate (Crl. side) appearing for the first respondent opposed this petition on the ground that the petitioner along with other accused had formed an unlawful assembly in a way to commit an offence and they also criminally restrained the public and vehicles. Thus preventing free flow of traffic.

4. Considered the rival submissions made by the parties and perused the materials available on record. The FIR allegation shows that on 01.03.2022 at about 8 AM, the accused in this case said to have formed an unlawful assembly and prevented free flow of traffic near Visuvakkudi bus stand against the refusal to grant permission to conduct the Jallikattu.



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Therefore, the case came to be registered. It is further seen from the FIR allegations that no untoward instance or any violence had occurred as a sequel to the protest. The object of the protest is to show the resentment to obtain paramount to conduct Jallikattu. To punish the person u/s 143 of IPC, one should be a member of an unlawful assembly. The object of the unlawful assembly should be,

1. To overawe by criminal force, or show of criminal force, [the Central or any State Government or Parliament or the Legislature of any State}, or any public servant in the exercise of the lawful power of such public servant: or

2. To resist the execution of any law, or of any legal process: or

3. To commit any mischief or criminal trespass, or other offence; or

4. By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

5. By means of criminal force, or show of criminal force, to compel any person to do what he is not legally



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bound to do, or to omit to do what he is legally entitled to do.

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5. The ingredients in this case, seen from the FIR, do not make out any of the offences referred u/s 141 of IPC. Only a bald statement was made that the accused had prevented free movement of traffic and nothing more is available on record.

6. In the said circumstances this Court is of the view that in continuance with the further proceedings of the case for the offences u/s 143, 341 of IPC against the petitioner would not be right and it would amount to abuse of process of law.

7. In this view of the matter, this Criminal Original petition is allowed and the proceedings against the petitioner in Crime No.52 of 2022 is hereby quashed.

27.01.2023

Index :Yes/No
Internet:Yes/No
rap/sma



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- To
1. The Sub-Inspector of Police,
Arumbavoor Police Station,
Perambalur – 621 103.
 2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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