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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP(MD)No.11816 of 2023

and

Cr1.MP(MD)Nos.9315 and 9316 of 2023

1.Rajan

2.Raj Mohan : Petitioners/A6 & A8

Vs.

1.State rep. by

The Inspector of Police,

Dindigul Town North Police Station,

Dindigul.

(In Crime No.1225 of 2021) : R1/Complainant

2.S.Muppidari,

Sub Inspector of Police,

Dindigul Town North Police Station,

Dindigul.

: R2/De-facto Complainant

Prayer:Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the case registered in the impugned charge sheet in CC No.98 of 2022 on the file of the Judicial Magistrate No.II, Dindigul, in Crime No.1225 of 2021 on the file of the 1st respondent police and quash the same as illegal and to pass such other orders.

For Petitioners : Mr.J.Lawrance

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition is filed seeking quashment of the case in CC No.98 of 2022 on the file of the Judicial Magistrate No.II, Dindigul.

2.The case of the prosecution in brief:-

On 17/12/2021 at about 10.30 am, near Kallaraimedu on at Dindigul-Trichy Road, the accused unlawfully assembled numbering about 750 without prior permission, obstructed the traffic, causing nuisance to the public and staged protest against the Government for not reducing petrol and diesel price. They also demanded payment of compensation to the public affected by flood. Based upon the occurrence, a case in Crime No.1225 of 2021 was registered for the offences under sections 143, 283, 341 and 269 IPC. After completing the investigation process, final report was filed and it was taken cognizance in CC No.98 of 2022 by the Judicial Magistrate No.II, Dindigul.

3. Seeking quashment of the same, this petition has been filed by this petitioners on the ground that none of the allegations mentioned, either in the FIR or in the



final report attract any of the ingredients of the offences alleged against them.

4. Heard both sides.

5. Conducting demonstration or protest demanding reduction of diesel and petrol price cannot be construed as 'unlawful demand'. It is a democratic right of every person to make objection against the functioning or policy of the Government. So, that cannot be stated to be illegal.

6. For attracting the offence under section 143 IPC, the ingredients of section 141 IPC must be fulfilled.

7. Section 141 IPC reads as under:-

"Section 141. Unlawful assembly. -An assembly of five or more persons is designated an "unlawful assembly:, if the common object of the persons composing that assembly is-

First-To overawe by criminal force, or show of criminal force, or any public



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servant in the exercise of the lawful power of such public servant; or

Second.-To resist the execution of any law, or of any legal process; or

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

Fourth.-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

Fifth.-By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.-An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly."



8. When we apply the ingredients to the factual position of the case, it is seen that none of the ingredients mentioned in 141 IPC are attracting. They have simply made protest demanding reduction of diesel and petrol price. It is a democratic right of every person to raise voice against the political or Government condemning their policies. Such a right has been exercised by the petitioners along with others. So, that cannot be construed as 'unlawful or illegal'.

9. Section 341 IPC reads as under:-

"341. Punishment for wrongful restrain.-Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees or with both."

10. Similarly, section 341 is not attracted. There is no allegation to the effect that they prevented the public from proceeding in a particular way.



11.As per section 269 IPC, the maximum punishment period is six months or fine or both. Section 283 IPC is punishable with fine, which may extend to two hundred rupees. There is no question of limitation here. But it is also seen that the Government has taken policy decision to withdraw the cases registered against the public for pandemic violation.

12.The learned Additional Public Prosecutor has fairly admitted that such a Government Policy decision has been taken by the Government and subsequently, G.O. Has been passed.

13.In view of the above said submission made by the Additional Public Prosecutor, this criminal original petition stands **allowed**. The case in CC No.98 of 2022 on the file of the Judicial Magistrate No.II, Dindigul, is hereby quashed as against the petitioners. Consequently, connected Miscellaneous Petitions are closed.

30/06/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Judicial Magistrate No.II,
Dindigul.
- 2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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