



Crl.O.P.(MD)No.15132 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	30.08.2023
Delivered on	26.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.15132 of 2023
and Crl.M.P.(MD) No.11978 of 2023

- 1.A.Pavel Chithan
- 2.S.Aathi Sivan
- 3.R.Pandi
- 4.G.Guruganesh
- 5.A.Naveen Kumar
- 6.P.Balasingam
- 7.Gowtham
- 8.Bharathi Yogeshwaran
- 9.S.Kavirajan
- 10.R.Stalin
- 11.M.Prasanth
- 12.S.Veldeva
- 13.J.Parthasarathy
- 14.R.Muthumani
- 15.M.Dhilipan
- 16.S.Tamilselvan
- 17.P.Tamil Selvan
- 18.P.Prithiviraj
- 19.J.Sinthu Mohan
- 20.M.Kaleeshwaran
- 21.S.Jeyam
- 22.S.Suriya Prakash
- 23.T.Selva
- 24.A.Ponibesh



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25.Ms.Muthumari

26.P.Vasuki

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... Petitioners/
Accused Nos.1 to 7 & 9 to 26

Vs.

1. The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
Crime No.306 of 2023.

... 1st Respondent/Complainant

2. The Sub-Inspector of Police,
Thideer Nagar Police Station,
Madurai District.

... 2nd Respondent/
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in STC No.2706 of 2023 for the offences under Sections 143 and 341 of IPC pending on the file of the Judicial Magistrate V, Madurai District and quash the same.

For Petitioners : Mr.J.Pandi Dorai

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

According to the prosecution, on 22.04.2023 the petitioners and others have formed into unlawful assembly and staged demonstration at Periyar Bus Stand protesting against the Government to withdraw the bill which extended mandatory working hours to 12 hours from 8 hours per day and caused inconvenience to the vehicles and traffic. The Tamil



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Nadu Government has passed the Factories (Amendment) Act 2023 on 24.04.2023 wherein the amendment was made one of the provisions to extend the working hours from 8 hours to 12 hours per day. The Government has also stated to have announced that the said clause is being withheld and not being implemented.

2. Learned counsel for the petitioner submitted that they were protesting without causing inconvenience to anybody and they have not formed any unlawful assembly and thereby sought for quashment of the charge sheet.

3. Heard both sides and perused the record.

4. The petitioners were charged under Sections 143 and 341 of IPC.

5. Section 143 of I.P.C speaks about a punishment for being member of an unlawful assembly. Insofar as Section 143 of IPC is concerned, the prosecution is expected to prove that the petitioners and



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other accused have assembled unlawfully in order to commit offence as mentioned in I to V of Section 141 of IPC. The only allegation made by the prosecution is that the accused persons without taking permission from the authorities have started protesting in respect of amendment of Factories Act. Being a member of an assembly of more than five persons, is no offence, unless such assembly is formed to commit any of the offences mentioned under 141 of I.P.C. It is not the case of the prosecution that the intention of the petitioners and other accused is to commit any one of the offences as formulated under Section 141 of I.P.C. Thereby there is no material is placed to show that the petitioners have committed the offences under Sections 143 of I.P.C.

6. The petitioners have also charged for the offence under Section 341 of IPC. Section 341 of IPC runs as under:-

"Punishment for wrongful restraint.

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."



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Section 341 of IPC speaks that if a person wrongfully restraint he shall be punished with imprisonment which may extend to one month or with fine or both. No complaint is filed by any person stating that he was prevented from proceedings in a direction which he was intending to proceed. So no offence is made out under Section 341 of I.P.C.

7. Therefore, considering from any angle, the charge sheet filed against the petitioners will not sustain and therefore, it is liable to be quashed. Accordingly, this petition is allowed and the charge sheet in STC No.2706 of 2023 pending on the file of the learned Judicial Magistrate-V, Madurai District, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

26.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

Note: Issue order copy on 29.09.2023.



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To

- 1.The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

PKN

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Dated: 26.09.2023