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Crl.O.P.Nos.937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.1.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.937 of 2024
and Crl MP Nos.590 and 591 of 2024

Velusamy,
S/o.Palanisamy

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police
Kankeyam Police Station
Tiruppur District
Crime No.469 of 2023

2.Anandhavenkadesh,
S/o.Arunagirinathan

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to call for the records relating to P.R.C.No.25 of 2023 on the file of the Judicial Magistrate, Kangayam and quash the same.

For Petitioner : Mr.M.Mohamed Riyaz
for Mr.M.Guruprasad

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor



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ORDER

Considering the materials placed before this Court, this Court was inclined to take up the main petition itself for final hearing.

2. The allegation against the petitioner is that he is the President of the Association and the association conducted the sitting protest and hunger strike. While doing so, he had instructed the protesters to cause disturbance to the public and throw stones on the vehicles in order to grab the attention of the Government. With these allegations, the FIR came to be registered in Crime No.469 of 2023. On completion of investigation, the final report was also filed before the Court below and the same was taken on file in PRC No.25 of 2023. The Court below has taken cognizance for offence under Section 143 & 341 of IPC and Section 5 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

3. Heard Mr.M.Mohamed Riyaz for Mr.M.Guruprasad, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.



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4. There is no dispute with regard to the fact that the protest was conducted based on the permission given by this Court while passing orders in WP No.26325 of 2023 dated 11.09.2023. In view of the same, the protest cannot be held to be an unlawful assembly under Section 143 of IPC. That apart, there is absolutely no material to show that any one was involved in the destruction of any property. A charge under Section 5 of TNPPDL Act has been included on mere surmises and assumption and without any basis. This is a case which has been foisted with ulterior motives and it is attended with malafides. That apart, even if the entire allegations are taken to be true, no offence has been made out against the petitioner and hence, the continuation of the Criminal proceedings against this petitioner is an abuse of process of law which requires the interference of this Court exercising its Jurisdiction under Section 482 of Cr.PC.

5. In the light of the above discussion, the proceedings in PRC No.28 of 2023 on the file of the Judicial Magistrate, Kangeyam, is hereby quashed and this Criminal Original petition stands allowed. Consequently,



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the connected miscellaneous petitions are closed.

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22.01.2024

rka

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

- 1.The Judicial Magistrate,
Kangeyam.
- 2.The Inspector of Police
Kankeyam Police Station
Tiruppur District
- 3.The Public Prosecutor,
Madras High Court.



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