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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.4353 of 2024
and CrI.M.P No.3187 of 2024

1.Kulanthaivelu

2.S.Kandhasamy

Petitioners

vs.

The State Rep. by: The Inspector of Police,
Dharapuram,
Tiruppur.
Crime No.293 of 2017

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in STC.No.1114 of 2017 on the file of Judicial Magistrate Court, Dharapuram and quash the same.

For Petitioner : Mr.S.S.Swaminathan

For Respondents : Mr.A.Gopinath
Government Advocate
for R1

ORDER

This criminal original petition has been filed challenging the proceedings in STC No.1114 of 2017 on the file of the learned Judicial Magistrate Court, Dharapuram.



to Dharapuram Taluk Office and protested against the opening of the TASMACH shop and raised slogans against the Government. This protest was made without getting any permission and as a result of the protest, there was disruption to the movement of traffic and the general public. Based on the complaint given, an FIR came to be registered in Crime No.293 of 2017. On completion of the investigation, a final report was filed before the Court below as against 73 accused persons for offence under Sections 143, 341 and 283 of IPC. It was taken on file in STC No.1114 of 2017 by the Court below and the same has been put to challenge in this criminal original petition.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the respondent.

4. In the considered view of this Court, the protest made against opening of TASMACH shop, cannot be categorized as an unlawful assembly, since the protest was made with a lawful object. Any protest is bound to cause some inconvenience to the general public. However, considering the facts of this case, no offence is made out and the continuation of the criminal proceedings will not serve any purpose. That apart, facts of this case can be brought within the scope of Section 95 of I.P.C.



5. In the light of the above, proceedings in STC No.1114 of 2017 on the file of the learned Judicial Magistrate Court, Dharapuram, is hereby quashed in entirety.

6. In the result, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

26.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

1. The Judicial Magistrate Court, Dharapuram.
2. The Inspector of Police,
Dharapuram,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

SSR

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