



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.03.2024**

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**CORAM**

**THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH**

**Crl.O.P.No.4941 of 2024**  
**and Crl.M.P.No.3580 of 2024**

1.Anbazhagan

2.Siva

... Petitioners

**Vs.**

1.The State Rep. by  
The Inspector of Police,  
Banavaram Police Station,  
Ranipet District.  
(Crime No.92 of 2023)

2.Raja  
The Sub Inspector of Police,  
Banavaram Police Station,  
Ranipet District.

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records from the 1st respondent police in Crime No.92 of 2023 and to quash the same in so far as the petitioners concerned.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl. Side)  
for R1



## **ORDER**

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This criminal original petition has been filed to quash the FIR in Crime No.92 of 2023, pending investigation on the file of the 1<sup>st</sup> respondent in so far as the petitioners concerned.

2.The case of the prosecution is that the accused persons had assembled near the Gandhi Statue and were demanding the arrest of the accused person who was involved in an assault of the President of the Dravidar Viduthalai Kazhagam. The further case of the prosecution is that the accused persons were obstructing the traffic and also caused disturbance to the general public and the request made by the respondent police was also not obeyed. In the light of the complaint given by the 2<sup>nd</sup> respondent, FIR came to be registered by the respondent police under Section 143 and 341 of IPC.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the 1<sup>st</sup> respondent.

4.In the considered view of this Court, the accused persons only attempted to show their protest for taking action against an offender who is said to have assaulted the leader of the organization. It was a spontaneous reaction on the part of the



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persons who agitated over the assault of the leader of an organization. Therefore, such spontaneous assembling of persons belonging to an organization, *per se* cannot be called to be an unlawful assembly. The facts of the present case can be brought within the scope of Section 95 of the IPC.

5. In the light of the above discussion, FIR in Crime No.92 of 2023, pending investigation on the file of the 1<sup>st</sup> respondent, is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

**01.03.2024**

Index: Yes/No  
Internet: Yes/No  
ssr

To

1. The State Rep. by  
The Inspector of Police,  
Banavaram Police Station,  
Ranipet District.

2. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**N.ANAND VENKATESH,J.**

SSR

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