



Crl.O.P.No.5363 of 2024

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

**DATED : 05.03.2024**

**CORAM**

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

Crl.O.P.No.5363 of 2024

and

Crl.M.P.No.3914 of 2024

1.Easan

2.Natarajan

3.Sivalingam

4.Jegatheesan

5.Shanmugam

6.Velusamy

7.Kanagarajan

8.Ravichandiran

9.Kirakori

10.Shanmugasundharam

11.Velusamy @ Inthunai Velusamy

12.Palanisamy

13.Muthusamy

.. Petitioners

**Vs.**



Crl.O.P.No.5363 of 2024

1.State represented by,  
The Inspector of Police,  
Erode South Police Station,  
Erode District.  
(Crime No.192 of 2023)

2.Ms.R.Gomathi,  
Inspector of Police,  
Erode South Police Station,  
Erode District.

.. Respondents

**Prayer:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the Crime No.192 of 2023 on the file of the Inspector of Police, Erode South Police Station, Erode District and quash the same by allowing this Criminal Original Petition.

For petitioners : Mr.M.Guruprasad  
For R1 : Mr.A.Gopinath  
Government Advocate (Crl.Side)

### **ORDER**

This quash petition has been filed to quash the FIR in Crime No.192 of 2023 pending investigation on the file of the 1<sup>st</sup> respondent.

2.The case of the prosecution is that the accused persons joined together as an unlawful assembly and staged the protest without getting



any permission. In spite of the request made by the Police, they refused to disperse. Hence, based on the complaint given by the 2<sup>nd</sup> respondent, an FIR came to be registered in Crime No.192 of 2023 for offences under Section 143 and 341 of IPC, 1860.

3.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the 1<sup>st</sup> respondent.

4.In the instant case the accused persons were the members of a Sangam, who were alleging against the toll collected from the members of the society who were farmers selling flowers. They claimed that they were incurring loss due to the money collected from them in the name of toll.

5.In the considered view of this Court, such spontaneous protest that takes place cannot be termed as an unlawful sample. Therefore, even if the allegations are taken as it is, no offence is made out under Sections 143 and 341 of IPC. That apart, the facts of the present case can be brought within the fold of Section 95 of IPC.

6.In the light of the above discussions, the FIR in Crime No.192 of



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2023 on the file of the Inspector of Police, Erode South Police Station, Erode District is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

**05.03.2024**

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Index : Yes / No  
Internet : Yes / No  
Neutral Citation : Yes / No

To

1.State represented by,  
The Inspector of Police,  
Erode South Police Station,  
Erode District.  
(Crime No.192 of 2023)

2.Ms.R.Gomathi,  
Inspector of Police,  
Erode South Police Station,  
Erode District.

3.The Public Prosecutor,  
Madras High Court,  
Chennai.



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**N.ANAND VENKATESH, J.**

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