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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5614 of 2024
and Crl.MP.Nos.4096 & 4173 of 2024

1.Esakkinagaraj

2.Prakash @ Prakashram

3.Ashok Kumar

.. Petitioners/Accused 1,2 & 4

vs.

1.The State rep.by
Inspector of Police
MKB Nagar Police Station
Chennai-39.

..Respondent /Prosecuting Complainant

2.Mr.T.Prakash Kumar
Inspector of Police
MKB Nagar Police Station
Chennai-39.

..Respondent/ De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.6215 of 2018 on the file of the learned X Metropolitan Magistrate Court at Egmore and to quash the same insofar as the petitioners (A1, A2, A4).

For Petitioners : Mr.R.LThirumoorthy

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

**ORDER**

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This petition has been filed seeking to quash the proceedings in CC.No.6215 of 2018, pending on the file of X Metropolitan Magistrate Court, Egmore.

2.The case of the prosecution is that on 12.9.2017 at about 9.00 am., a group of college students had unlawfully assembled and they resorted to a road roko and they raised slogans against the government demanding for revocation of NEET examination. In spite of the request made by the police, they did not disperse from the place and they caused hindrance to the free movement of the traffic. Based on the complaint given by the 2nd respondent, an FIR came to be registered by the 1st respondent in Crime No.1326 of 2017. On completion of investigation, final report has been filed before the Court below which has been taken on file in CC.No.6215 of 2018. The same has been put to challenge in the present petition.

3.Heard Mr.R.LThirumoorthy, learned counsel for the petitioners and Mr.A.Gopinath, learned Government Advocate (Crl.Side) appearing on behalf of the 1st respondent.

4.Considering the fact that the college students were agitating against NEET examination and such protest had taken place spontaneously, this Court finds that the facts of the present case can be brought within the scope of Section 95 of IPC. The continuation of the proceedings at this length of time for an incident that took place in 2017 will not serve any purpose.



5. In the light of the above discussion, the proceedings in C.C.No.6215 of 2018 on the file of the learned X Metropolitan Magistrate Court, Egmore, is hereby quashed in its entirety and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

08.03.2024

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

To

1. Inspector of Police
MKB Nagar Police Station
Chennai-39.
2. Mr. T. Prakash Kumar
Inspector of Police
MKB Nagar Police Station
Chennai-39.
3. X Metropolitan Magisterial Court
Egmore.
4. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,, J.
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