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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.6194 of 2024
and Crl.M.P. No.4533 of 2024

Yuvaraj

...Petitioner

Vs

State Rep. by: The Inspector of Police,
F4-Thousand Lights Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the proceedings of C.C.No.7705 of 2018 pending on the file of XIV Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.T.Balaji

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.7705 of 2018 pending on the file of the XIV Metropolitan Magistrate, Egmore, Chennai.



2.The case of the prosecution is that the accused persons had formed an unlawful assembly and had protested against India participating in the Common Wealth Meeting at Sri Lanka on the ground that the Tamils at Sri Lanka were killed and therefore, India should not participating in the Meeting at Sri Lanka. The FIR was registered on 25.10.2013 for offence under Sections 143 and 188 of IPC and Section 7(1)(A) of the Criminal Law Amendment Act. The final report was filed on 28.09.2017 and it was taken on file in C.C.No.7705 of 2017. The final report was taken cognizance for offence under Sections 143 and 353 of IPC and Section 7(1)(A) of the Criminal Law Amendment Act. The same has been put to challenge before this Court.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4.The offence is punishable with a maximum imprisonment of two years and hence, the final report ought to have been filed, within a period of three years as provided under Section 468(2)(b) of Cr.P.C., However, the final report itself has been filed only after four years. The Court below has straight away taken cognizance of the final report without exercising its jurisdiction under Section 473



of Cr.P.C. That apart, the protest made by the accused persons cannot be called as unlawful assembly, since there was a lawful object behind the protest. The incident had happened in the year 2013 and no useful purpose will be served in conducting the case at this length of time. This is more so since the final report has been filed against 25 named accused persons. That apart, the issue that is involved in the present case is also covered by the reported judgement of this Court in **2018 2 LW (Crl) 606 [Jeevanandham and others Vs. State Rep. by Inspector of Police and another]**.

5. In the result, proceedings in C.C.No.7705 of 2018 pending on the file of the XIV Metropolitan Magistrate, Egmore, Chennai, is hereby quashed in entirety and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

14.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
SSR

N.ANAND VENKATESH, J

SSR



To

- 1.The XIV Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
F4-Thousand Lights Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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