



CrI.O.P.No.7565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.7565 of 2024
and CrI.M.P.No.5496 of 2024

- 1.Aliraja
- 2.Askar Ali
- 3.Sheikhrasheed @ Sheikrashith
- 4.Muhammad Ali @ Mohamed Ali .. Petitioners

Vs.

- 1.The State Rep by,
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
(Crime No.198 of 2023)
- 2.Sathishkrishnan,
Executive Officer, Lebbaikudikadu Municipality,
Perambalur District – 621 108. .. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in FIR in Crime No.198 of 2023 dated 27.04.2023 on the file of the 1st respondent Police and quash the same as against the petitioners.



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For petitioners : Mr.H.Thameen Ansari
For R1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed challenging the FIR registered in Crime No.198 of 2023 pending investigation on the file of the 1st respondent.

2.The case of the prosecution is that the accused persons had assembled on 26.04.2023 at about 11.30 AM and they were protesting against the Veppur Joint Drinking Water Project in front of the Municipality Office. In the light of this protest, inconvenience was caused to the general public and this protest was conducted without obtaining any permission. The request made by the Police to disperse from the place also was not complied with by the accused persons. Based on the complaint given by the 2nd respondent, FIR has been registered in Crime No.198 of 2023 for the offences under Section 143, 447, 353 & 341 of IPC.

3.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent.



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4.In the considered view of this Court, the protest in this case had taken place against the Veppur Joint Drinking Water Project which was opposed by the villagers. This protest cannot be categorized as an unlawful assembly and the protest has taken place for a lawful object. The facts of the present case can be brought within the fold of Section 95 of IPC. Hence, this Court is inclined to exercise its Jurisdiction under Section 482 of Cr.P.C.

5.In the light of the above discussion, the FIR in Crime No.198 of 2023 is quashed in its entirety.

6.Accordingly, this Criminal Original Petition is allowed in the above terms. Consequently, the connected Miscellaneous Petition is closed.

27.03.2024

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



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N.ANAND VENKATESH, J.

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To

- 1.The State Rep by,
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
- 2.The Executive Officer,
Lebbaikudikadu Municipality,
Perambalur District – 621 108.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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