



WEB COPY



Crl.OP.No.7772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.7772 of 2024
and
Crl.MP.Nos.5688 and 5689 of 2024

1. Gurusamy
2. Ramesh
3. Karthick

... Petitioners

Vs.

State rep by
The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
(Crime No.91 of 2013)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records and quash the charge sheet filed in STC No.1 of 2019 pending on the file of the District Munsif-Cum-Judicial Magistrate, Sendurai in so far as the petitioners are concern.

For Petitioners : Mr.K.Gandhi Kumar

For Respondent : K.M.D.Muhilan
Government Advocate (Crl.Side)



Crl.OP.No.7772 of 2024

ORDER

WEB COPY

In view of arrest of the leader during political meeting in respect of Chithirai Festival, wide spread agitation by the political party members across the state took place in and around the 4th week of April 2013 and 1st week of May 2013.

2. The present petitioners who participated in the agitation on 01.05.2013, were prosecuted for the offences under Sections 143, 341 and 188 of IPC r/w 7 (1)(a) of the Criminal Law Amendment Act, 1985 in Cr.No.91 of 2013. After investigation, the final report was filed on 19.02.2014, but, the trial could not be commenced, inspite of filing the final report about 10 years ago due to bifurcation of the jurisdiction and transfer of cases from one Court to another.

3. The present petition is filed to quash the complaint on the ground that the statement of witnesses relayed by the prosecution even it is considered has proved no offence could be made out, since the statement only alleges the gathering of the accused persons at the relevant point of time and they are all belong to a particular political party which



Crl.OP.No.7772 of 2024

was agitating across the State for the arrest of their leader.

WEB COPY

4. The final report though indicates that they all assembled unlawfully and prevented the movement of vehicle near Anna Statue, Jayamkudan to Ariyalur Main Road, Sendurai., the police has not recorded statements of any public or the drivers of the vehicle which alleged to have been restrained from moving. Therefore, the foundational fact which is expected to prove against the petitioners to proceed under Section 143, 341, and 188 of IPC r/w 7(1)(a) of Criminal Law Amendment Act, 1985 is not made out from the statement of witnesses given by the police. No purpose will be served by conducting the trial. Even if the statements of the police are to be accepted, for want of corroborative evidence from public. Therefore, the charge sheet filed in STC No.1 of 2019 pending on the file of the District Munsif-Cum-Judicial Magistrate, Sendurai is hereby quashed.

5. With the above observations, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Vv

04.04.2024



Crl.OP.No.7772 of 2024

To
WEB COPY

1. The District Munsif-Cum-Judicial Magistrate,
Sendurai
2. The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.OP.No.7772 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

Crl.OP.No.7772 of 2024
and
Crl.MP.Nos.5688 and 5689 of 2024

04.04.2024