



Crl.O.P.No.8236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8236 of 2024
& Crl.M.P.Nos.5974 & 5973 of 2024

1. Gowthaman.
2. Mudi Mannan.
3. Raghupathi.
4. Sivagurunathan.
5. Periyasamy @ Periyathambi.
6. Chengamalam.
7. Thangavel.
8. Saravanamuthu.
9. Nallathambi.
10. Pazhaniyandi.
11. Vaithiyanathan.
12. Adhimoolam.

... Petitioners/Accused (A1 to A12)
/versus/

1. The State by
The Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District.

... 1st Respondent/Complainant

2. Malarkodi.

... 2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.633 of 2020 pending on the file of the District Munsif cum



Crl.O.P.No.8236 of 2024

Judicial Magistrate, Sendurai, Ariyalur District and quash the same.

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For Petitioners : Mr.M.R.Jothimanian,
for K.Balu

For R1 : Mr.K.M.D.Muhilan.
Government Advocate (Crl.Side)

ORDER

The petitioners herein are the erstwhile land owners are the dependence or dependence of the land owners who had lost their land under the acquisition proceedings for the Government Limestone Quarry, since they were not provided with employment has assured under the acquisition proceedings on 30.11.2020. They have gathered near Ananthavadi Bus Stop under the banner of Ananthavadi Government Cement Factory Land owners Welfare Association and they have raised slogans, defying the prohibitory order passed by the Executive in view of Covid-19 epidemic. They have taken out a procession carrying a Banner Tamil Nadu Perarasu Katchi. Hence, final report on completion of investigation filed for offence under Section 143, 294(B), 341, 269, 270, 271, 353 & 506(i) of I.P.C read with 51 of Disaster Management Act, 3 of Epidemic Disease Act and 134 of Tamil Nadu Public Health Act.

Page No.2/5



2. The Learned counsel appearing for the petitioners submitted that since the State has not given employment as promised to the erstwhile land owners. In a democratic way, the land owners and their relatives took out procession and shown their protest because it was during the Covid-19 period, they were prosecuted. The Government has taken a policy decision to withdraw all the cases registered during the Covid-19 period for violating the Covid-19 restrictions. This case is also covered under the same logic but the Government Order did not cover the present case.

3. On perusing the materials relied by the prosecution including Section 161 of Cr.P.C., statement of witnesses, the emphasis of violation is only on congregation during the Covid restrictions period and the possibility of spreading the epidemic, since the man kind has successfully over comes the crises and survived on slot of the nature.

4. This Court is of the view that the criminal prosecution against these petitioners need not be continued, since their expression of agony for not providing employment, without resorting to any violence for acquiring the land and without



CrI.O.P.No.8236 of 2024

giving the employment as promised is purely justifiable.

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5. With the above observation, this ***Criminal Original Petition is allowed.*** Consequently, connected Miscellaneous Petitions are closed.

05.04.2024

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm.

Copy to:-

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



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Dr.G.JAYACHANDRAN,J.

bsm

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