



Crl.O.P.No.13518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.13518 of 2024

and

Crl.M.P.No.8186 of 2024

- 1.Tamilarasan
- 2.Johnson
- 3.Veeramani@ Pugazhanthi
- 4.Senthilkumar
- 5.Sasikumar
- 6.Sudha
- 7.Ramya
- 8.Selvakumari
- 9.Rayar
- 10.Vetrivel
- 11.Malarmannan
- 12.Selvaganthi
- 13.Ramachandran
- 14.Manikandan
- 15.Pazhanisamy
- 16.Ramesh
- 17.Prakash

.. Petitioners

/versus/

1.State by:The Inspector of Police,Srimushnam Police Station,
Cuddalore District.(Crime No.182 of 2017)

2.Mr.S.Sarthbabu

.. Respondents



Crl.O.P.No.13518 of 2024

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in C.C.No.136 of 2020 on the file of the Judicial Magistrate Court-II, Vriddhachalam, Cuddalore District and quash the same.

For Petitioners :Mr.P.Pugalenthir

For R1 :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)

ORDER

Based on the complaint given by the Village Administrative Office, case has been registered by the first respondent police on 14.06.2017 for the offences under Sections 143, 341 and 353 of I.P.C. in Crime No.182 of 2017.

2. The sum and substance of the complaint is that as a protest of illegal mining of river sand the petitioners have gathered in front of Srimushnam Tahsildar Office and raised slogan.



Crl.O.P.No.13518 of 2024

WEB COPY

3. According to the complainant, due to their protest, there was traffic jam in that area for half an hour and the public were not able to have access to the RDO Office. Further, there was ban under Section 30(2) of Police Act for five or more persons to assemble together. Hence, the offences under Sections 143, 188, 341, 353 of IPC are made out and action sought. The complaint is dated 14.06.2017. Final report is filed on 11.11.2020. The statement of the witnesses recorded under Section 161 of Cr.P.C does not indicate any criminal act against the petitioners except gathering, when there is a prohibitory order and also raising solan for half an hour. They have disbursed, once they have requested by the VAO.

4. The peaceful protest against the illegal sand mining without causing any hindrance except the allegation of wrongful restrain for half an hour to the public between 12.00 noon to 12.30 p.m. on that day, shall not be taken as a grave violation of any law, which warrants prosecution. Hence, the case in C.C.No.136 of 2020 on the file of the Judicial



Crl.O.P.No.13518 of 2024

Magistrate Court No.II, Vriddachalam, Cuddalore District, is quashed.

Accordingly, this Criminal original Petition is allowed. Consequently connected Miscellaneous Petitions is closed.

05.07.2024

Index:yes/no

Neutral Citation:yes/no
ari

To:

- 1.The Judicial Magistrate Court-II, Vriddhachalam, Cuddalore District.
- 2.The Inspector of Police, Srimushnam Police Station, Cuddalore District.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.13518 of 2024

DR.G.JAYACHANDRAN,J.

ari

Crl.O.P.No.13518 of 2024
and
Crl.M.P.No.8186 of 2024

05.07.2024