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Crl.O.P.No.20889 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Criminal Original Petition No. 20889 of 2024
in Crl MP No.10614 of 2024 in Crl OP SR No.34369 of 2024

Saravanan

... Petitioner

Vs.

1. The State Represented by
Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
Cr. No.397 of 2023.

2. Mrs. Nivetha

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, praying to call for the records of the first respondent in FIR No.397 of 2023 dated 24.07.2023 for the offence under Sections 143 and 342 of IPC quash the same.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)
for R1



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ORDER

The petition has been filed to quash the FIR in Crime No.397 of 2023 registered on 24.07.2023 for alleged offence under Sections 143 and 341 of IPC.

2. Objecting construction of Railway Over Bridge with improper planning, the villagers have assembled at Chennai to Salem Highways on 24.07.2023 and conducted a road roko for 10 minutes, since there was a disturbance to the public movement, the case being registered for offence under Sections 143 and 341 of IPC.

3. The learned counsel appearing for the petitioner submitted that the villagers spontaneously joined together to vent their grievance about the improper structuring of the Over Bridge and it lasted only for 10 minutes and there was no disturbance to the traffic flow in the Highways and there was no intention of committing any crime by the members of the assembly. Therefore, contended that the ingredient for offence under Sections 143 as well as 341 of IPC is not attracted.



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4. The learned Government Advocate (Crl. Side) submits that

Chennai to Salem Highways is a very busy road, in the morning hours about 30 persons assembled unlawfully and disturbed the traffic flow.

5. This Court after perusing the complaint given by the Village Administrative Officer which is the basis for the registration of FIR and the statement of the petitioner is of the opinion that spontaneously villagers are joined together to express their grievance and they had no criminal intention in any manner commit any unlawful activities. Therefore this Court finds that there is no ingredient to attract offence under Sections 143 and 341 of IPC.

6. Hence the Criminal Original Petition to quash is allowed and the case against the petitioner in the Crime No.397 of 2023 on the file of the Inspector of Police, Chinnasalam Police Station, Kallakurichi District, stand quashed. Consequently, the connected miscellaneous petition is closed

12.09.2024

jv



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Index : Yes/No
Neutral Citation : Yes/No

To

1. The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
2. The Public Prosecutor,
Madras High Court,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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