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CrI.O.P.No.20947 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.20947 of 2024

and

CrI.M.P.No.12009 of 2024

1.D.Prabakaran
2.K.Velusamy
3.C.Jayakumar
4.S.Sampath

... Petitioners

Vs.

1. The State rep.by
The Inspector of Police
Karumathapatty Police Station
Coimbatore
Crime No.382 of 2018.

2. Murugesan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C
pleaded to call for the records in FIR in Crime No.382 of 2018 pending
on the file of the respondent police and quash the same as against the
petitioners.



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For Petitioners : Mr.R.Prabakar

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
for R-1

ORDER

The Criminal Original Petition is filed to quash the Crime No.382 of 2018 dated 07.09.2018 for the alleged offences under Sections 143, 188 and 353 IPC.

2. Learned counsel for the petitioners states that virtually a death in the village got collapsed causing death of two persons of the village, to commemorate the death anniversary, the petitioners have gathered by lighting candles and the first respondent-police registered a case against the petitioners in respect of offence of gathering without police permission.

3. Learned Government Advocate (Crl.Side) appearing for the first respondent states that final report is not yet filed in this case.



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4. However, on a reading of F.I.R., this Court finds that except for not obtaining permission from the police to assemble, no act of crime has been committed by these petitioners. Therefore, in a democratic country, five persons gathering to pay homage for the departed soul, cannot be construed as an offence, even if promulgation under Section 30(2) of the Police Act is in force. Hence, this Criminal Original Petition is allowed and F.I.R in Crime No.382 of 2018 is quashed for all the accused. Consequently, connected miscellaneous petition is closed.

29.08.2024

Index : Yes/No

Neutral Citation : Yes/No
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To

1. The Inspector of Police
Karumathapatty Police Station
Coimbatore.
2. The Public Prosecutor
High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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