



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.22037 of 2023

and

Crl.MP.Nos.15271 & 15273 of 2023

- 1.Easan
 - 2.Shanmugasundaram @ Shanmugam
 - 3.Muthuviswanathan
 - 4.Senthil Kumar
 - 5.Ramesh Sivakumar
 - 6.Muthusamy
 - 7.Thennavan Arasendiran @ Rajendran Pon
Aruchalam
 - 8.Kavin Kumar
- ...Petitioners/Accused

.Vs.

- 1.State Rep.by
The Inspector of Police
Kangeyam Police Station
Tiruppur District.
(Crime No.192 of 2021)
 - 2.Ms.Sivagami
Tahsildar/Assistant Returning Officer-
Kangeyam Assembly Constituency
Kangeyam Police Station
Tiruppur District.
- .. 1st Respondent/Complainant
- ..2nd Respondent/De facto Complainant



PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to in STC No.673 of 2022, on the file of the Judicial Magistrate, Kangeyam, Tiruppur District and quash the same.

For Petitioners : Mr.M.Guruprasad

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

ORDER

This petition has been filed to quash the proceedings in STC No.673 of 2022, pending on the file of Judicial Magistrate, Kangeyam, Tiruppur District

2.The case of the prosecution is that the accused persons had started a protest against the laying of the gas pipeline in the agricultural lands as a part of GAIL-IDPL project. Based on the agitation, a complaint was given by the 2nd respondent and an FIR came to be registered for offence under Sections 143, 341 and 153 IPC. On completion of investigation, the final report was filed and the Court below has taken cognizance for offence under Section 143 and 341 IPC.

3.Heard, Mr.M.Guruprasad, learned counsel for the petitioners and Mr.A.Gopinath, learned Government Advocate (Crl.Side) for R1.



4. In the considered view of this Court, the agitation that was launched by the accused persons cannot be said to be an unlawful assembly and hence, no offence is made out under Section 143 IPC. That apart, there is no material to show that the accused persons had intentionally caused wrongful restraint therefore Section 324 of IPC has not made out. The facts of the present case can be brought within the scope of Section 95 IPC.

5. In the light of the above discussion, the proceedings in STC No.489 of 2023, on the file of Judicial Magistrate, Kangeyam, Tiruppur District, is hereby quashed in its entirety and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

13.03.2024
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Index: Yes/No
Speaking Order/Non Speaking Order
kp

To

1. The Inspector of Police
Kangeyam Police Station
Tiruppur District.

2. Ms. Sivagami
Tahsildar/Assistant Returning Officer-
Kangeyam Assembly Constituency
Kangeyam Police Station
Tiruppur District.

3. Judicial Magistrate,
Kangeyam, Tiruppur District.

4. The Public Prosecutor
High Court of Madras.



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N.ANAND VENKATESH.,J

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