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CrI.O.P.No.23351 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

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

CrI.O.P.No.23351 of 2024

and

CrI.M.P.No.13221 of 2024

Ramesh

... Petitioner

Vs.

1.The State, Rep by
The Inspector of Police,
Thirukoyilur Police Station,
Kallakurichi District.
(Crime No. 2089/2020)

2.Jayakumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to call for the records and quash the STC.No.18 of 2021 in Crime No. 2089 of 2020 on the file of the Learned Judicial Magistrate, Thirukoyilur regarding this petitioner.

For Petitioner : Mr.S.Esakkimuthu

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



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ORDER

The petitioner is arrayed as 14th accused in S.T.C.No.18 of 2021, on the file of the Judicial Magistrate, Thirukoyilur, taken cognizance for offence under Sections 143 & 341 IPC.

2. The substance of the final report is that the petitioners have gathered unlawfully near Thiruvannamalai to Elavanasurkottai Road and obstructed the public, protesting against discriminating distribution of Pongal prize token by the ruling party, which caused traffic disturbance.

3. The learned counsel appearing for the petitioner referring the FIR stating that the protest was made by the members of DMK party, whereas, the petitioner belongs to DMDK party and he did not participate in the said protest seeks quash of the complaint. He further submits that the actual accused is one Ramesh S/o. Srinivasan whereas the petitioner is the son of Annamalai. The case was filed against him by mistaken identity.



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4. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that the petitioner's name and his father name been properly identified and find place in the FIR given by Village Administrative Officer. It was an unlawful assembly, nearly 14 persons were protesting against the distribution of pongal token to the public. The name of the petitioner been specifically mentioned in the FIR as well as the statement of the VAO recorded under Section 161 Cr.P.C. Hence it is incorrect to claim that it is a mistaken identity.

5. Considering the fact that the persons who gathered unlawfully had spotted the Highways and disturbed the traffic flow and criminal restraint to the movement of the public, complaint been registered and based on the statements of the witnesses, cognizance taken by the Judicial Magistrate. There is no material to quash the complaint as against this petitioner whose name and identity been mentioned in the FIR as well as the statement of witnesses. The petitioner belongs to any political party is immaterial, when his presence along with the other members of the unlawful assembly.

Dr.G.JAYACHANDRAN,J.



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6. Hence this Criminal Original Petition is dismissed.

Consequently, the connected Criminal Miscellaneous Petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Judicial Magistrate, Thirukoyilur

2.The Inspector of Police,
Thirukoyilur Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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