



Crl.O.P.No.1512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.1512 of 2023
and
Crl.M.P.Nos.853 and 855 of 2023**

1. K.Kalaimani
S/o.Karunanidhi
2. K.Soundhirarajan
S/o.Krishnan
3. S.Vinoth
S/o.Sakthivelu
4. P.Rajesh
S/o.Padmanaban
5. S.Ravi
S/o.Selvam
6. S.Mahendhiran
S/o.Sanmugam
7. G.Dravidamani
S/o.Govindhan
8. S.Vanavendhan
S/o.Subramanian



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9. A.Ayyappan
S/o.Arumugam

10. K.Selventhiran
S/o.Kumar

11. A.Baskar
S/o.Aanandhan

12. S.Ilanthiriyar
S/o.Seenivasan

13. P.Velmurugan
S/o.Panner Selvam

14. R.Veerathamizhan
S/o.Raman

15. Pon. Bala
S/o.Ponnusamy

16. S.Suresh
S/o.Samu

17. R.Elavarasan
S/o.Rajappan

Vs.

... Petitioners

The State,
Represented by its
The Inspector of Police,
G-1, Vepery Police Station,
Vepery,
Chennai - 600 007.

... Respondent



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records relating to the charge sheet filed in C.C.No.6675 of 2017 pending on the file of II Metropolitan Magistrate, Egmore and quash the same.

For Petitioners : Mr.D.Arun
for Mr.K.J.Shiva Arudhra

For Respondent : Mr.A.Gopinath
Govt. Advocate (Crl.Side)

ORDER

This petition has been filed challenging the proceedings pending in C.C.No.6675 of 2017 on the file of the II Metropolitan Magistrate Court, Egmore.

2. The case of the prosecution is that Dravidar Kazhagam wanted to conduct a meeting on 14.04.2015 and the permission that was sought for was rejected. The same became a subject matter of challenge before this Court in W.P.Nos.10804 and 10585 of 2015. This Court by order dated 13.04.2015 interfered with the rejection order and permitted the organisation



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to proceed further with the programme on 14.04.2015. Accordingly, the members belonging to the association assembled at EVK Sampath Salai on 14.04.2015. In the meantime, the State preferred an appeal and the Division Bench stayed the order passed by the learned Single Judge. Hence, the programme was stopped halfway through. Further case of the prosecution is that yet another organisation wanted to show their protest against the programme that was planned to be conducted by Dravidar Kazhagam. There was a melee and the same resulted in verbal abuse, threat and also attacking each other. Based on the complaint, two FIRs came to be registered in Crime Nos.647 and 648 of 2015. Both FIRs resulted in filing of final reports in C.C.Nos.6675 and 7209 of 2017 before the learned II Metropolitan Magistrate, Egmore. The present quash petition has been filed to quash the proceedings pending in C.C.No.6675 of 2017.

3. Heard the learned counsel for the petitioners and the learned Government Advocate appearing on behalf of the respondent Police.



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4. In the considered view of this Court, the entire confusion had been taken place since the programme was stopped halfway. Yet another organisation wanted to show their protest on the programme conducted by the petitioners and they had also gathered and there was some confusion caused which resulted in mild violence in that area. This incident had taken place in the year 2015 and it is almost nine years since it happened. There has been absolutely no progress in the case and counter from the year 2017 onwards. At this length of time, no useful purpose will be served in keeping the proceedings pending. It is almost impossible for the witnesses to identify the accused persons considering the fact that there was a large gathering that took place in the venue. The incident has not led to any serious offence and therefore, this Court is inclined to exercise its jurisdiction under Section 482 of Cr.P.C and quash both the proceedings pending in C.C.No.6675 and 7209 of 2017 before the learned II Metropolitan Magistrate, Egmore. Accordingly, both these proceedings are quashed in its entirety.



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5. In the result, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Inspector of Police,
G-1, Vepery Police Station,
Vepery,
Chennai - 600 007.
2. The learned Judge,
II Metropolitan Magistrate Court,
Egmore.
3. The Public Prosecutor,
High Court,
Madras.



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N.ANAND VENKATESH, J.

vji

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