



CrI.O.P.No.1705 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1705 of 2024

1.A.Senthilkumar
2.N.Vellingiri
3.K.Mohamed Shaliheen
4.R.Sreenivasan
5.T.Marimuthu
6.J.Suresh Kumar

... Petitioners

Vs.

State by The Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.

...Respondent

Prayer: Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for the records and quash the proceedings in C.C.No.634 of 2022 on the file of the learned Judicial Magistrate II, Pollachi.

For Petitioners : Mrs.S.R.Gerthanaasri
for Mr.S.Sathia Chandran

For RR1 : Mr.A.Gopinath
Government Advocate (CrI.Side)



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ORDER

This quash petition has been filed to quash the proceedings in C.C.No.634 of 2022 on the file of the learned Judicial Magistrate II, Pollachi.

2. The case of the prosecution is that on 03.04.2021 at about 17.10 hours, the petitioners had unlawfully assembled when the code of conduct was in force and had conducted a protest without permission and had blocked the road obstructing the traffic and thereby had caused disturbance to the general public and for the movement of the traffic. Based on this complaint, an FIR came to be registered in Cr.No.66/2021 on 03.04.2021 for offence under Section 143, 341 of IPC and Section 3A(1)(b) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. The investigation was completed and the final report was filed on 22.07.2022 as against these accused persons and the same was taken on file by the Court below in C.C.NO.634/2022. The same has been put to challenge in the present petition.



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3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. The main ground that was urged by the learned counsel for the petitioners is that the maximum punishment that is provided for the above said offences is one year and therefore, the final report ought to have been filed within one year as stipulated under Section 468(2)(b) of Cr.P.C. However the final report was filed beyond the limitation period only on 22.07.2022. Hence, there is a bar for the Court below in taking cognizance of the final report. In spite of the same, the Court below had taken cognizance and therefore, the proceedings are liable to be interfered by this Court.

5. This Court finds a lot of force in the submission made by the learned counsel for the petitioner. There is a bar in taking cognizance beyond the period of limitation provided under Section 468(2)(b) of Cr.P.C. In spite of that cognizance has been taken without resorting to the procedure under Section 473 of Cr.P.C.



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6. Apart from the above, the facts of the present case can be brought within the scope of Section 95 of I.P.C, since protest had taken place resulting in some hardship to the general public.

7. The continuation of the criminal proceedings will result in abuse of process of Court and therefore, the same requires the interference of this Court in exercise of jurisdiction under Section 482 of Cr.P.C. In the result, the proceedings in C.C.No.634 of 2022 on the file of the learned Judicial Magistrate II, Pollachi, is quashed.

8. This Criminal Original Petition is allowed accordingly.

31.01.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No



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To
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- 1.The Judicial Magistrate II, Pollachi.
2. The Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.
- 3.The Public Prosecutor,
High Court, Chennai.



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