



Crl.O.P.(MD)No.1830 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.1830 of 2023
and Crl.M.P.(MD) No.1621 of 2023

1.Valarmathi

2.Mahalakshmi

3.Kurinji Thene

4.Balsamy

5.Manokaran

... Petitioners

Vs.

1.The Inspector of Police,
Medical College Police Station,
Thanjavur.
(Crime No.202/2018).

2. Suriya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to CC No.84 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur and quash the same.

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For Petitioners : Mr.A.Jayaramachandran
For Respondents : Mr.A.Albert James
Government Advocate (Crl. Side)
for R1

ORDER

This petition has been filed to quash the proceedings pending in C.C.No.84 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur.

2.Heard the learned counsel for the petitioners and the learned Government Advocate appearing on behalf of the first respondent.

3.The case of the prosecution is that the accused persons had joined together as an unlawful assembly and started protesting near Thanjavur new bus stand on 07.04.2018 at about 13:15 hours regarding the Hydrocarbon project which was proposed to be established. The same resulted in disturbance to the general public. When it was questioned, the police personnel were abused in filthy language and they were also threatened.



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4.In the considered view of this Court, the protest made against the establishment of Hydrocarbon project continues till date and it is being opposed by many sections in and around Thanjavur. The protest over the project by itself will not constitute any offence under Section 153 or Section 505(1)(b) or Section 506(2) of IPC. That apart, insofar as the charge under Sections 186 and 188, the same is unsustainable since, those offences cannot be tried by way of a police report. That leaves only Section 294(b) and Section 353 of IPC. There is no material to go ahead with the trial for these offences.

5.The incident had taken place in the year 2018 and no useful purpose will be served in continuing with the proceedings today. The facts of the case can also be brought within the scope of Section 95 of IPC.

6.In view of the above discussion, the proceedings in C.C.No.84 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur, is hereby quashed in its entirety and this Criminal Original



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Petition stands allowed. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

- 1.The Inspector of Police,
Medical College Police Station,
Thanjavur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

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