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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20734 of 2024
and
Crl.M.P(MD) Nos.12836 and 12839 of 2024

1. Dass @Arokia Maria Doss
2. Suresh
3. Prasanth
4. Latha
5. Lakshmi
6. Sathya
7.Cheliyan
8. Saravanan
9. Balamurugan
10. Jeeva .. Petitioners

Vs

1. The Inspector of Police
   Thuvakkkudi Police Station
   Trichy

2. Anbazhan .. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, calling for the records in STC No.57 of 2017 pending before the learned Judicial Magistrate No.VI, Tiruchirapalli in connection with Crime No. 109 of 2016 dated 20.04.2016 for the offences under Sections 143,341 and

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283 on the file of the first respondent and quash the same against the petitioners as illegal.

For Petitioners : Mr.R.Ganesh Prabu

For Respondents No.1 : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC No.57 of 2017 pending before the learned Judicial Magistrate No.VI, Tiruchirapalli

2. The case projected against the petitioners is that on 20.04.2013 at about 11.00 am., the petitioner and others had conducted demonstration with the demand to close the TASMAC godown at Thuvakudi. Further it is alleged that petitioners and others had used a vehicle and conducted demonstration in public place without getting permission from the concerned officials, hence a case was registered. Listing eight witnesses charge sheet has been filed.

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3. The contention of the petitioners is that the petitioner has been primarily charged for forming unlawful assembly causing wrongful restraint and nuisance to the general public. On information complaint had been lodged and there is no incident after the protest to show that the public were restrained from going to their destination they intended and no untoward incident happened. The case projected against the petitioners it that had conducted demonstration with the demand to close the TASMAC godown at Thuvakudi. He would further submit that they conducted demonstration in the peaceful manner and they did not indulge in any violent activities had not violated the traffic regulations. The learned counsel appearing for the petitioners would further submit that the facts of the case are exactly similar to the case covered in the decision reported in ***2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018*** and in the case of ***Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other*** in batch of cases in ***Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019***

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4. The learned Additional Public Prosecutor would submit that the petitioners and others had held demonstration with the demand to close the TASMAC godown at Thuvakudi without getting any permission from the concerned officials. . Hence the case has been registered and now charge sheet has been filed. He would fairly submit that this Court in similar grounds quashed the proceedings based on the citations referred by the learned counsel appearing for the petitioners.

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

6. Perused the materials on record

7.The facts of this case is similar to the facts covered by the Judgment of this Court reported in ***2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018*** and in case of ***Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.***

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8. In the result the Criminal Original Petition stands allowed and the proceedings in STC No.57 of 2017 pending before the learned Judicial Magistrate No.VI, Tiruchirapalli is hereby quashed not only against the petitioners but against all the other accused, who are also similarly placed. Consequently, connected miscellaneous petitions are closed.

28.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate No.VI, Tiruchirapalli

2. The Inspector of Police
Thuvakkkudi Police Station
Trichy

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR,J.

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