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Crl.O.P.(MD)No.21635 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21635 of 2024

and

Crl.M.P(MD) No.13403 and 13404 of 2024

1.S.Raju
2.Dharmaraj
3.Jeeva @ Jeevanatham
4.Ramadoss
5.Saravanan
6.Seenivasan
7.Kovan @ Sivadoss
8.Manalidasan
9.Cheliyan
10.Nirmala
11.Santhiya
12.Latha

...Petitioners

Vs

State of Tamil Nadu rep by
The Inspector of Police,
Woraiyur Police Station,
Trichy City,
(Crime No.497 of 2016)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.103 of 2018 pending before the learned Judicial Magistrate-IV, Trichirapalli in connection with Cr.No.497 of 2016 dated 12.08.2016 for the offences under Sections 143 and 188 of IPC on



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the file of the respondent and later the respondent police has altered the charge for the offences under Sections 143 and 353 of IPC on the file of the respondent and quash the same against the petitioners as illegal.

For Petitioners : Mr.S.Vanchinathan

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.103 of 2018 pending on the file of the learned Judicial Magistrate No.IV, Trichirappalli.

2.The case projected against the petitioner is that the petitioners, who are from Makkal Athikaram Organization, along with nearly 650 people on 12.08.2016 at about 17.05 hours, unlawfully assembled together and tried to conduct general meeting in support of Tamil Nadu Advocates to protest against judiciary without getting due permission from the concerned officials, hence a case has been registered in Crime No.497 of 2016 for the offences under Sections 143 and 188 of IPC and later altered to Sections 143 and 353 of IPC against the accused persons.



3. The contention of the petitioners is that the list of witnesses in the final report are all official witnesses and no public witnesses have been examined in this case. He would further submit that no specific overt act has been attributed as against any of the petitioners herein in the final report and complaint has been received from any public that the petitioners obstructed the free flow of traffic and further no untoward incident happened. The learned counsel appearing for the petitioners would further submit that the Officer who had registered the case is investigating the case. He further submits 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**, 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** and in the case of **Mohanlal Vs. The State of Punjab reported in (2018) 7 SCC 627**.

5. The learned Additional Public Prosecutor would submit that the petitioners and others had tried to hold a protest without getting any permission from the concerned officials. 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.

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

7. Perused the materials on record

8. In a democratic society, an assembly cannot be framed as an unlawful assembly, where there is no material to show that there were restrictions for such assembly by way of a Police Standing Order. 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.***

9. In the result, the Criminal Original Petitions stand allowed and the proceedings in C.C.No.103 of 2018, respectively on the file of the



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learned Judicial Magistrate IV, Trichirapalli is quashed not only against the petitioners but against all the other accused, who are also similarly placed. Consequently, connected miscellaneous petitions are closed.

10.12.2024

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

1. The Judicial Magistrate-IV,
Trichirapalli.
2. The Inspector of Police,
Woraiyur Police Station,
Trichy City,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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