



Crl.O.P.(MD)No.846 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.846 of 2025
and Crl.M.P.(MD)Nos.564 & 565 of 2025

Kathiresan

.. Petitioners

Vs

1. The State of Tamil Nadu rep. by,
The Inspector of Police,
Medical College Police Station,
Thanjavur District.
(Crime No. 1041 of 2020)

2. Murugesan

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,
To call for the entire records pertaining to the proceedings in C.C. No.
270 of 2021 on the file of the learned Judicial Magistrate No.II,
Thanjavur and quash the same as far as the petitioner is concerned.

For Petitioner : M/s. Dhilipan Pandian.R.L

For Respondents : Mr. A.Thiruvadi Kumar,
Additional Public Prosecutor



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in C.C.No.270 of 2021 on the file of the second respondent Police.

2. The case of the prosecution is that on 28.12.2020 at about 10.00 hours while the 2nd respondent and other police officials were in their patrol duty, at that time, they saw the accused persons were unlawfully assembled near Arockiya Nagar and conducted protest to release the 7 innocent Tamilians, who were arrested in the assassination of Rajiv Gandhi, thereby, caused obstruction to the public and traffic. Based on the complaint given by the 2nd respondent, a case in Cr.No.1041 of 2020 has been registered under Sections 143, 153, 341, 505(2), 506(i) IPC. After the completion of investigation, final report was filed before Judicial Magistrate No.II, Thanjavur and the same was number as CC No.2288 of 2021.



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3. The contention of the petitioners is that the petitioners have 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 moving and no untoward incident happened. The case projected against the petitioners is that they had conducted protest to release the 7 innocent Tamilians, who were arrested in the assassination of Rajiv Gandhi. 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 release the 7 innocent Tamilians, who were arrested in the assassination of Rajiv Gandhi 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. Perused the materials on record.

6. 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**



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Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.

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7. In the result the Criminal Original Petition stands allowed and the proceedings in C.C. No. 270 of 2021 on the file of the learned Judicial Magistrate No.II, Thanjavur is hereby quashed not only against the petitioners but against all the other accused persons, who are also similarly placed. Consequently, connected miscellaneous petitions are closed.

21.01.2025

NCC: Yes/No
Index: Yes/No
Internet : Yes/No
PNM

To
1.The Judicial Magistrate No.II, Thanjavur

2. The Inspector of Police,
Medical College Police Station,
Thanjavur District.

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



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M.NIRMAL KUMAR, J.

PNM

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