



Crl.O.P(MD)No.4202 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD) No.4202 of 2024

Hari Raj

Vs.

... Petitioner

1. The Sub Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
Crime No.06 of 2020.

2. Kottiappasamy,
Special Sub Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

...Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS, 2023, to call for the records in the case in S.T.C.No.40 of 2021 on the file of the Judicial Magistrate Court, Rajapalayam, Virudhunagar District and quash the same as illegal, violation of law as against the Petitioner/Accused No.14.

For Petitioner : Mr.M.Jothi Basu

For R1 & R2 : Mr.M.Vaikkam Karunanithi

Government Advocate (Crl.Side)



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ORDER

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This criminal original petition has been filed by the petitioner / Accused No.14 to quash the pending proceedings in S.T.C.No.40 of 2021 on the file of the Judicial Magistrate, Rajapalayam.

2. The prosecution case is that, the petitioner along with others formed unlawful assembly without any permission and made protest against the Central Government at Rajapalayam-Alangulam, Ayannapuram Bus Stop and thereby caused obstructions to the public from 10.50 a.m to 11.00 a.m. Therefore, F.I.R has been lodged by the second respondent and based on the same, the first respondent has registered a case in Crime No.06 of 2020 for the offences under Sections 143 and 341 of I.P.C. Thereafter, the first respondent has conducted an investigation and filed final report as against 127 persons.

3. The learned counsel appearing for the petitioners would submit that this petitioner has been arrayed as Accused No.14. The second respondent lodged a complaint against the petitioner and other 126 persons alleging that without any permission they tried to conduct protest at Rajapalayam-Alangulam, Ayannapuram Bus Stop, by raising slogans



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against the Central Government and thereby, they caused hindrance to the public. In fact, no any offences committed by the petitioner as well as others and they only conduct protest for their demand from the Government and no any unlawful assembly to do illegal act. Even according to the prosecution, they have attempted to protest at Rajapalayam-Alangulam, Ayannapuram Bus Stop and in order to attract Sections 143 and 341 of IPC, there are no any ingredients and no any complaint was lodged by the public. Therefore, the pending proceedings are liable to be quashed.

4. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that the petitioner along with others formed unlawful assembly without any permission and made protest against the Central Government at Rajapalayam-Alangulam, Ayannapuram Bus Stop and thereby, they caused obstructions to the public from 10.50 a.m to 11.00 a.m. Therefore, complaint has been lodged by the second respondent and based on the same, the first respondent has registered a case in Crime No.06 of 2020 for the offences under Sections 143 and 341 of I.P.C. Thereafter, the first respondent has conducted an investigation and filed final report as against 127 persons.



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As per the final report, there are prima facie material available to proceed with the case against the petitioner and others and the petitioner without any permission conducted road roko and caused obstructions to the public. Therefore, they are publishable under Sections 143 and 341 of I.P.C. Therefore, this petition is liable to be dismissed.

5. This Court heard both sides and perused the records.

6. According to the prosecution, the petitioner along with 126 others conducted road roko without any permission by obstructing the way in the public road. According to the petitioner, he has not committed any offences and they only conducted demonstration for various demands. The petitioner along with others have not formed unlawful assembly and there are no ingredients to constitute the offence under Section 143 of IPC. To attract Section 143 of IPC, there are no any ingredients as per the F.I.R, final report and other materials. As far as the offence under Section 341 of I.P.C is concerned, there are no materials to show that the petitioner along with others have wrongfully restrained somebody. Even as per the final report, the petitioner along with others have attempted to block the road. Therefore, no any materials to



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constitute the offences under Sections 143 and 341 of I.P.C and moreover, no any complaint was lodged by the public or aggrieved person. In this case, the complainant is the Sub Inspector of police and even as per the complaint, there are no any ingredients to constitute the offence. Therefore, the first respondent not also not conducted a proper investigation and filed the final report and the Trial Court also without any prima facie material had taken cognizance. Hence, the pending proceedings in S.T.C.No.40 of 2021 on the file of the Judicial Magistrate Court, Rajapalayam is liable to be quashed.

7. Accordingly, this Criminal Original Petition is allowed and the pending proceedings in S.T.C.No.40 of 2021 on the file of the Judicial Magistrate Court, Rajapalayam is quashed.

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Internet :Yes
Index :Yes/No
NCC :Yes/No
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P. DHANABAL, J.

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To

1. The Judicial Magistrate Court, Rajapalayam

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

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

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