



Crl.O.P.(MD)No.22617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22617 of 2024

and

Crl.M.P(MD) No.14111 of 2024

Appasamy

.. Petitioner

Vs

1. The Inspector of Police
Palayanaur Police Station
Sivagangai District

2. Manikandeeswaran
Sub Inspector of Police
Palayanaur Police Station
Sivagangai District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to the First Information Report in Crime
No. 21 of 2017 on the file of the first respondent police and quash the
same as illegal in so far as the petitioner concerned

For Petitioner : Mr.T.Lenin Kumar

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



ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 21 of 2017 on the file of the first respondent police

2. The case projected against the petitioner is that on 13.07.2027 the petitioner herein along with other accused staged a protest demonstrating that the people were not supplied with essential commodities and they also raised slogan against the State Government without getting permission from the concerned officials, hence a case was registered.

3. The contention of the petitioner is that the petitioner along with other accused 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 going to their destination they intended and no untoward incident happened. The case projected against the petitioner is that the petitioner along with others staged a protest demonstrating that the peoples were not supplied with essential commodities and they also raised slogan against the State



Government without getting permission from the concerned officials. He would further submit that they conducted protest 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 petitioner 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***

4. The learned Additional Public Prosecutor would submit that the petitioner and others conducted protest against the State Government 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 petitioner.

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



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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.**

8. In the result the Criminal Original Petition stands allowed and the proceedings in First Information Report in Crime No. 21 of 2017 on the file of the first respondent police is hereby quashed not only against this petitioner but against all the other accused, who are also similarly placed. Consequently, connected miscellaneous petition is closed.

31.01.2025

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

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1. The Inspector of Police
Palayanaur Police Station
Sivagangai District

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



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M.NIRMAL KUMAR,J.

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