



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.17547 of 2021

and

Crl.M.P. (MD)Nos.9544 & 9545 of 2021

1.Mohamed Yusuf Afzal

2.Rameez Ahamed

3.Mohamed Irfan

4.Abdul Azeez

... Petitioners/
Accused Nos.22, 25, 29,33

vs.

1.The State represented by
The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(in Crime No.229 of 2018)

... Respondent/
Complainant

2.A.Alwin

... Respondent/
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records of the impugned charge sheet in STC No.870 of 2019 on the file of the learned Judicial Magistrate, Nanguneri and quash the same as illegal as against the petitioners concern.

For Petitioners : Mr.S.M.A.Jinnah

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in S.T.C.No.870 of 2019 on the file of the Judicial Magistrate, Nanguneri.



2. The petitioners are figuring as accused Nos.22, 25, 29 & 33 in the said case. The Sub-Inspector of Police, Eruvadi Police Station, is the de-facto complainant.

3. According to the prosecution, the accused went on procession on 21.12.2018, at about 11.30 a.m., without getting any prior permission and were raising aggressive slogans. That led to registration of Crime No.229 of 2018 on the file of the Eruvadi Police Station. Investigation was undertaken and final report was filed against as many as thirty three accused. Cognizance of the offences under Sections 143, 283 and 505(1)(b) IPC was taken.

4. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds. He called upon the Court to quash the impugned proceedings. Per contra, the learned Additional Public Prosecutor submitted that no case was made out for quashing the impugned proceedings.

5. I carefully considered the rival contentions and went through the materials on record.

6. According to the prosecution, one Kaja Mohaideen was murdered in the year 2015 and Crime No.139 of 2015 was registered under Section 302 IPC. In connection with the said crime, the third death anniversary was observed by the accused. According to the accused, the real culprits have not been identified and prosecuted. That is why, they went on a procession and raised slogans. It is true that the accused did not obtain any prior permission for conducting the procession. But then, no adverse consequence ensued. The feelings of the accused can very well be understood. When their colleague had been murdered and there is no successful prosecution, then, they are bound to feel hurt and that is why, they had conducted such an event. I made it clear to the petitioners' counsel that unless the petitioners express their regret and make amends, I will not be inclined to exercise my discretion in their favour. The petitioner's counsel there upon submitted that one of the petitioners went to the first respondent and gave a letter in writing not only expressing their regret but also undertaking that they will adhere to law in future. Since the petitioners made sufficient amends for their act and no adverse consequence really ensued, continuance of the impugned prosecution is not really warranted. It is also seen that all the petitioners were only in their early 20's, when the occurrence took place. Now they are all engaged in some gainful employment in various places in Tamil Nadu.

7. Taking note of all these aspects, the impugned proceedings are quashed. The Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed. The



benefit of this order will enure in favour of the non-petitioning accused also.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Judicial Magistrate,
Nanguneri

Crl.O.P. (MD)No.17547 of 2021
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MGJ(09.12.2021) 3P 4C