



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.18458 of 2021

and

CrI.M.P. (MD)No.10175 of 2021

WEB COPY

- 1.Shahul Hameed
- 2.Avurangaseep @ Avurangaship
- 3.Mohamed Rahees
- 4.Abdul Rahuman @ Abdul Rahman
- 5.Abdul Hasan
- 6.Ahamed Aslam @ Ashlam
- 7.Abdul Fahad @ Abdul Bagath
- 8.Anvar Ali
- 9.Abdulla

.. Petitioners / Accused Nos.1 to 9

Vs

- 1.The State rep. by
Inspector of Police,
Adirampattinam,
Thanjavur District.
(in Crime No.276 of 2019)

.. 1st Respondent / Complainant

- 2.Jayamohan

..2nd Respondent / Defacto complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records pertaining to the impugned FIR in Crime No.276 of 2019 on the file of the first respondent police and quash as against the petitioners concerned as illegal.

For Petitioners

: Mr.R.Karunanidhi

For R1

: Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

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



2. This Criminal Original Petition has been filed for quashing the FIR in Crime No.276 of 20219 registered on the file of the first respondent for the offences under Sections 143, 341 and 283 of IPC.

3. The gist of the case is that on 06.12.2019, at about 05.00 pm., the petitioners assembled near Adirampattinam bus stand and raised slogans condemning the demolition of the Babari Masjid. The petitioners had violated the prohibitory orders. The petitioners had not obtained any prior permission from the authorities for conducting agitation.

4.The case of the respondent is that the petitioners by their acts had blocked the free flow of traffic. But no untoward incident had taken place. The petitioners had not indulged in any act of violence. The petitioners are members of a registered political party. I can take judicial note of the fact that every year on 6th December, for the last 25 years, some of the political parties organised protests condemning demolition of the Babari Masjid. Since the petitioners' protest was entirely peaceful and FIR also does not disclose any act of violence, I am of the view that continuation of the impugned prosecution is not warranted. Quashing the same will secure the ends of justice. I must record the statement of the learned Additional Public Prosecutor that final report was filed in this case as early as on 09.02.2019. I wanted to know if the final report was taken on file. The answer is in the negative. Be that as it may, FIR is quashed.

5. This Criminal Original Petition is allowed.Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

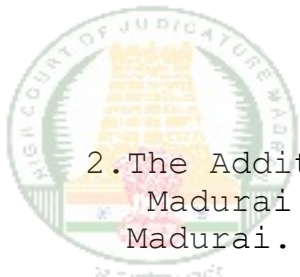
rmi

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,
Adirampattinam,
Thanjavur District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-36120[F] dated 26/11/2021
)

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PS (CO)
KB (08.12.2021) 3P 4C