



Crl.O.P.No.22662 of 2018 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.22662 to 22664 of 2018 & 21797 of 2021

and

Crl.M.P.Nos.12576, 12577, 12578 of 2018

Crl.O.P.No.22662 of 2018

S.Ayubkhan

... Petitioner

Vs.

1.The Sub-Inspector of Police,
St. Thomas Mount Police Station,
Chennai 600 016.

2.S.Hasan Ambalam,
Butt Road Jimma Masjid Mosque,
St. Thomas Mount, Chennai 16.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the charge sheet dated 09.02.2017 in the above C.C.No.199 of 2017 on the file of the Judicial Magistrate Court at Alandur.



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Crl.O.P.No.22662 of 2018 & batch

For Petitioner : Mr.Haja Mohideen Gisthi

For Respondents : Mr.L.Baskaran (for R1)
Government Advocate (Crl. Side)

Mr.R.Balachandran (for R2)

Crl.O.P.No.22663 of 2018

Shahabudeen @ K.A.Shabu

... Petitioner

Vs.

1.The Sub-Inspector of Police,
St. Thomas Mount Police Station,
Chennai 600 016.

2.S.Hasan Ambalam,
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For Petitioner : Mr.Haja Mohideen Gisthi

For Respondents : Mr.L.Baskaran (for R1)
Government Advocate (Crl. Side)

Mr.R.Balachandran (for R2)



Crl.O.P.No.22662 of 2018 & batch

Crl.O.P.No.22664 of 2018

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M.A.C.Mohamed Shahir

... Petitioner

Vs.

1.The Sub-Inspector of Police,
St. Thomas Mount Police Station,
Chennai 600 016.

2.S.Hasan Ambalam,
Butt Road Jimma Masjid Mosque,
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For Petitioner : Mr.Haja Mohideen Gisthi

For Respondents : Mr.L.Baskaran (for R1)
Government Advocate (Crl. Side)

Mr.R.Balachandran (for R2)

Crl.O.P.No.21797 of 2021

1.S.Hasan Ambalam

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WEB COT 2.Syed Abbas

3.Amjath

4.Aneesh

5.Rafik

6.Huck

7.Malik

8.Anwar

9.Shamsudeen

10.Basha

11.Abdul Kareem

12.Usman

... Petitioners

Vs.

1.The Sub-Inspector of Police,
S-1, St. Thomas Mount Police Station,
Chennai 600 016.

2.Haji Shabudeen,
S/o.Adimaikutty Ravuthar,
No.124, Defence Officer Colony,
Ekkattuthangal, Chennai 600 032.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of



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Cr.P.C., to call for the records and quash the charge sheet dated 28.11.2016 in C.C.No.1252 of 2016 on the file of the learned Judicial Magistrate – 1 at Alandur.

For Petitioners : Mr.R.Balachanderan

For Respondent : Mr.L.Baskaran (for R1)
Government Advocate (Crl. Side)

COMMON ORDER

Criminal Original Petitions in 22662 to 22664 of 2018 have been filed to quash the charge sheet dated 09.02.2017 in C.C.No.199 of 2017 on the file of the Judicial Magistrate Court at Alandur.

2.Criminal Original Petition in 21797 of 2021 has been filed to quash the charge sheet dated 28.11.2016 in C.C.No.1252 of 2016 on the file of the learned Judicial Magistrate – 1 at Alandur.

3.The case of the Petitioners in Crl.OP.Nos. 22662 to 22664 of 2018 is that the Defacto Complainant was removed from the post of Secretary, Butt Road Jumma Masjid by the Petitioners in the capacity of



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office bearers. The Defacto Complainant is a politically influenced person and if the trial based on the present charge sheet is allowed, it will cause hardship to the Petitioners. The complaint itself us an abuse of process of law and therefore, seek quash of C.C.No.199 of 2017, on the file of the Judicial Magistrate Court at Alandur.

4.The case of the Petitioners in Crl.OP.No.21797 of 2021 is that the 2nd Respondent herein and his men assaulted and injured the Petitioners and other members of Wakf and gave counter complaint. The officials of the Wakf Board, who were present during the alleged occurrence did not support the case of the prosecution and seek quash of CC.No.1252 of 2016 on the file of the learned Judicial Magistrate – 1 at Alandur.

5.The Petitioners in Crl.OP.Nos.22662 to 22664 of 2018 and Crl.OP.No.21797 of 2021 filed withdrawal memos stating that the parties have entered into a compromise and undertake to withdraw their respective complaints in C.C.No.199 of 2017 and C.C.No.1252 of 2016, on the file of the learned Judicial Magistrate at Alandur.



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6.The Petitioners and Defacto Complainant in both C.C.No.199 of 2017 & C.C.No.1252 of 2016 present, their identification not disputed. It is submitted by all concerned that the dispute was with regard to Jamath election. All visit the same mosque offer regular prayers. The basic principle of Islam is brotherhood, true to the principle and on the intervention of elders, well wishers and family members, the issue between them has been amicably settled. After the stray incident, thereafter there was no unpleasantness between them. They have been exchanging pleasantries during festivals and on occasions. Now peace, calm, brotherhood prevailing between them. In view of the same, they have now come to an understanding not to pursue the case against each other. They have filed affidavit to this effect and confirmed the same before this Court. The dispute is a election dispute between two contesting groups.

7. In view of the intention of the Petitioners to withdraw C.C.No.199 of 2017 & C.C.No.1252 of 2016, based on the compromise reached between them, further continuation of the proceedings would



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amount to abuse of process of Court. Hence, these Criminal Original Petitions are allowed and accordingly, C.C.No.199 of 2017 on the file of the Judicial Magistrate Court at Alandur and C.C.No.1252 of 2016 on the file of the learned Judicial Magistrate – 1 at Alandur are quashed. Consequently, connected Miscellaneous Petitions are closed.

29.09.2022

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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To

- 1.The learned Judicial Magistrate – 1 at Alandur.
- 2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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