



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.23596 of 2022
& Crl.M.P.No.15045 of 2022

- 1.Mohamed Iqbal @ Mohamed Iqbal
- 2.Mohamed Baruk @ Mohamed Farook
- 3.Sowkath Ali
- 4.Abdul Rahim @ Abdul Raheem
- 5.Mohamed Iqbal @ Mohammed Iqbal
- 6.Powjiya Begam @ Fowjiya Ainudeen
- 7.Sajitha

...

Petitioners

versus

- 1.State rep. by its
The Sub-Inspector of Police,
V.Kalathur Police Station,
Perambalur.
(Crime No.49 of 2022)

- 2.Pushparaj

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Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the case in Crime No.49 of 2022 on the file of the first respondent herein and quash the same as illegal and without jurisdiction.



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For Petitioners : Mr.I.Abdul Basith
For Respondent No.1 : Mr.E.Raj Thilak
Additional Public Prosecutor
For Respondent No.2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.49 of 2022 on the file of the first respondent police for the offences under Sections 143 and 341 of IPC.

2. The learned counsel for the petitioners submitted that the petitioners are the members of Popular Friends of India (PFI) Organisation. On behalf of that Organisation, they staged a demonstration on 15.04.2022. Hence, the F.I.R. has been registered. He further submitted that the petitioners are not the members of unlawful assembly to made out offence under Section 143 of IPC as well as they have not prevented any public or any members to made out offence under Section 341 of IPC. Therefore, a case has been registered against the petitioners, which is illegal, arbitrary and abuse of process of law.



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3. The learned Additional Public Prosecutor appearing for the first respondent police submitted that the matter is pending under investigation.

4. I have heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the first respondent police.

5. On perusal of the records, it is seen that the first respondent police has registered a case against the petitioners on 15.04.2022 on a complaint given by the Village Administrative Officer, V.Kalathur Village, Veppanthattai Taluk for the offences under Sections 143 and 341 of IPC. On perusal of the F.I.R., it is stated that the petitioners belongs to Popular Friends of India (PFI) Organisation and the members of that Organisation are staging a demonstration. There is no allegation or element to show that they are the members of unlawful assembly and they have prevented any public or any person and therefore, the offences under Sections 143 and 341 of IPC are not made out against the petitioners.



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6. Under these circumstances, it is made clear that no offence is made out against the petitioners as per the allegations stated in the complaint. Therefore, it is well come within the parameters laid down by the Hon'ble Supreme Court in ***State of Haryana vs. Ch.BhajanLal*** reported in (***AIR 1992 SC 604***) and hence, this F.I.R. has to be quashed.

7. Accordingly, this Criminal Original Petition stands allowed and the case registered in Crime No.49 of 2022 on the file of the first respondent police on 15.04.2022 for the offences under Sections 143 and 341 of IPC, is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

27.10.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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The Sub-Inspector of Police,
V.Kalathur Police Station,
Perambalur.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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V.SIVAGNANAM, J.

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