



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.236 of 2022

and

Crl.M.P.(MD)No.149 of 2022

Mohamed Umar Abdulla

... Petitioner/Accused No.20

Vs.

1.The State represented by
The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.452 of 2020)

... 1st Respondent/Complainant

2.Harigopalalingam

... 2nd Respondent/Defacto
Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the First Information Report in Crime No.452 of 2020 on the file of the 1st respondent and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.E.Antony Sahayar Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

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

2.This criminal original petition has been filed to quash the impugned FIR in Crime No.452 of 2020 registered on the file of the first respondent for the offences under Sections 143, 283 and 270 of IPC. The petitioner along with other accused are said to have assembled on 06.12.2020 to protest against the demolition of Babri Masjid. It is not the case of the prosecution that any of accused was suffering from any infectious disease or that they contributed its spread. No adverse consequence ensued. I can take judicial notice of the fact that the entire Muslim community felt deeply wounded by the demolition of Babri Masjid. Therefore, on 6th December, some of the people of Eruvadi had assembled and lodged their protest. The accused have given expression to their democratic rights. The registration of the FIR was not really warranted. The impugned FIR is quashed and the criminal original



petition is allowed. The benefit of this order will inure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.

Crl.O.P (MD)No.236 of 2022
07.01.2022

KK(CO)
SB(21.01.2022) 2P 3C