



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.1904 of 2022
and
CrI.M.P. (MD)No.1393 of 2022

1.Kajamaideen
2.Mohamed Mansur @ Mohamed Manzoor Oli
3.Sheik Abdulla
4.Abdhulajeesh
5.Kadharibrahim
6.Abdhul Kadhar
7.Abdhulakaif @ Abdul Asif
8.Abul Nivas
9.Sheik Abdullah

... Petitioners

Vs.

1.State through
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
Crime No.71 of 2018

2.Vaithiyanathan
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District

... Respondents

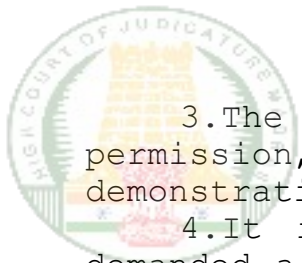
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the proceeding of the FIR in Crime No.71 of 2018 dated 06.04.2018 on the file of the first respondent insofar as the petitioners are concerned/Accused Nos.3, 4, 9, 13, 15, 17, 18, 20, 21.

For Petitioners : Mr.K.Jeyamohan
For R1 : Mr.B.Thanga Aravindh
Govt. Advocate (CrI. Side)

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (CrI. side) appearing for the first respondent.

2.The petitioners are figuring as accused in Crime No.71 of 2018 registered on the file of the Alangudi Police Station for the offences under Sections 143, 188 and 341 of IPC.



3.The case of the prosecution is that without getting prior permission, the accused assembled in a public place and staged a demonstration.

4.It is seen that the petitioners who belong to Islam, had demanded a separate burial ground for them. Raising of such public issue cannot attract Section 143 of IPC. The accused have after all exercised their democratic right to protest. The respondent erred in registering an FIR for the offence under Section 188 of IPC straight away. In any event, final report should have been filed on or before 05.04.2019. There is no explanation for the delay. Therefore, in this case, the Court will be satisfied invoking its power under Section 468 of Cr.P.C. also. Looked at from any angle, the continuation of the impugned prosecution is not warranted. The impugned FIR is quashed. This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Sji

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,
Alangudi Police Station,
Pudukkottai District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-3556[F] dated 02/02/2022)

CrI.O.P(MD)No.1904 of 2022

and

CrI.M.P. (MD)No.1393 of 2022

01.02.2022

MGJ(16.02.2022) 2P 4C