



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1964 of 2022

and

Crl.M.P. (MD)Nos.1432 and 1434 of 2022

- 1.Abuthalib
- 2.Aasiq Mohamed @ Mohamed Aasiq
- 3.Athavu @ Abdul Raguman
- 4.Asanar @ Mohamed Asanar
- 5.Umar Ali
- 6.Aarif
- 7.Saifulla @ Mohamed Saifulla
- 8.Kaja Najmudeen
- 9.Rabeek
- 10.Kanava Sayed
- 11.Abbas @ Abbas Mandhri
- 12.Abbas @ Abbas Manthiri
- 13.Syed Oli,
- 14.Sheik Fareeth
- 15.Mohamed Ali

... Petitioners/Accused 1 to 3,5 to 9,
11 to 13,16,19,20&23
Vs.

1.State rep. by
The Inspector of Police,
Town West Police Station,
Dindigul.
(Crime No.577 of 2015) ... 1st Respondent/Complainant

2.B.Suresh Kumar,
Inspector of Police,
Town West Police Station,
Dindigul. ... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in respect of C.C.No.36 of 2016 on the file of the Judicial Magistrate No.1, Dindigul and quash the same insofar as the petitioners concerned.

For Petitioners : Mr.D.Venkatesh

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor.



O R D E R

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

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2.The case of the prosecution is that on 17.09.2015 at around 21.00 hours, persons belonging Hindu Munnani were proposing to conduct Vinayagar Sathurthi procession. The petitioners herein who are Muslims had raised objection that the procession should not go through the majid street and they not only blocked the street but also indulged in aggressive religious sloganeering. Hence, Crime No.577 of 2015 was registered. It was charge sheeted and taken on file as C.C.No.36 of 2016 on the file of Judicial Magistrate No.I, Dindigul. To quash the same, this criminal original petition has been filed.

3.The police could not have registered an FIR for the offence under Section 188 of IPC on their own. It is true that the petitioners had indulged in aggressive sloganeering. But then, this Court can take judicial notice of the fact that this issue had given rise to friction between the two communities. In this case, apart from praising God, the petitioners had not indulged in any act of violence. No adverse consequence ensued. The case is almost seven years old. Therefore, in the interest of justice, I deem it fit and appropriate to terminate the prosecution. The impugned proceedings stand quashed and the criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// 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 Judicial Magistrate No.I,
Dindigul.

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



2.The Inspector of Police,
Town West Police Station,
Dindigul.

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

CrI.O.P (MD) No.1964 of 2022
02.02.2022

MGJ(17.02.2022) 3P 4C