



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 25.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.15248 of 2022

1. Abdul Rahman

2. Shahul Hameed

...Petitioners/A-1 & 8

Vs.

1.The State represented through the
Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
(In Crime No.74 of 2022)

...R-1/Complainant

2. C. Aruldas

...R-2/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records of impugned First Information Report in
Crime No.74 of 2022 on the file of the 1st respondent police and quash
the same as illegal as against the petitioner.

For Petitioners : Mr.A.Mohamed Riyaz

For R-1 : Mr.M.Sakthi Kumar
Government Advocate



ORDER

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This petition is filed to quash the impugned First Information Report in Crime No.74 of 2022 on the file of the 1st respondent police, as against the petitioner.

2.The learned counsel appearing for the petitioners submitted that the petitioners are not members of the unlawful assembly and they were agitated with regard to 'Hijab' issues. In the said agitation, 74 males and 75 females have participated. They got oral permission to conduct the said protest. In spite of that the police has registered the case. The offences mentioned in the FIR is not made out and there is no sufficient allegations to fulfill the ingredients of the offence as mentioned in the FIR. Therefore, he pleaded to quash.

3.The learned Government Advocate (crl. side) appearing for the respondent police submitted that they violated the Covid restrictions as well as the rules and regulations declared by the Government of Tamilnadu and objected to quash the FIR.



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4. I have considered the matter in the light of the submissions made by the learned counsel for the parties.

5. On perusal of the impugned FIR which was registered in Crime No.74 of 2022 on 11.02.2022 for the offences punishable under Sections 143, 341, 283, 270 and 171(H) of IPC. In the said agitation, 74 males and 75 females have participated in the protest. At the time, local body election was announced. Since they have not obtained any permission and they caused trouble to the free transport of public and hence, the respondent police has registered the case.

6. Admittedly, there is no averments set out in the complaint that the petitioners and others have gathered unlawful assembly. Only accused Nos.1 & 8 have filed this petition to quash the proceedings. There is no specific averments that these petitioners and other petitioners were member of the unlawful assembly and further there is no materials to show that the accused persons did not commit any offence of dangerous to human life. There is no allegation to constitute the offences as mentioned in the FIR. Taking the entire averments made in the FIR, no offences are made out against the accused persons. Since prima facie



no cognizable is made out the allegations set out in the FIR as against the petitioners and the same is liable to be quashed.

7. Accordingly, this Criminal Original Petition is allowed and the proceedings in FIR No.74 of 2022, dated 11.02.2022 for the offences punishable under Sections 143, 341, 283, 270 and 171(H) of IPC, is hereby quashed.

25.08.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
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- To
1. The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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