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Crl.O.P.No.17_____

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17276 of 2023

- 1.Inbaraj
- 2.Mohammed Abuthahir
- 3.Mohammed Al Ameen
- 4.Noorullah
- 5.Mohammed Jakariya
- 6.Irfanulla
- 7.Basheer Ahamed
- 8.Suhail Ahamed
- 9.Bashaa Shaakib
- 10.Mohammed Yunus
- 11.M.Haleel Rahman
- 12.Mohamed Safiq
- 13.Kathar Moytheen
- 14.Mohammed Ali



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15.Nehamathullah

16.Asina Beham

17.Narkeesh Begam

18.Abdhulla

19.Abdul Kareem

20.Mathaiyan

21.Vinoth

22.Mohammed Sithik

.. Petitioners

Vs.

1.The State Rep. by
The Sub Inspector of Police,
Arumbavoor Police Station,
Perambalur – 621 103.

2.Sathish Kumar

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the impugned First Information Report in Crime No.52 of 2022, on the file of the 1st respondent police station and quash the same.

For Petitioner

: Mr.B.Ram Prasath

For Respondents

: Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

WEB CO This criminal original petition has been filed to quash the FIR in Crime No.52 of 2022 pending investigation on the file of the 1st respondent.

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

3.The attention of this Court was drawn to the order passed in Crl.O.P.No.1531 of 2023, dated 27.01.2023, wherein, the quash petition filed by A1 was allowed by this Court. The relevant portions are extracted hereunder:

4. Considered the rival submissions made by the parties and perused the materials available on record. The FIR allegation shows that on 01.03.2022 at about 8 AM, the accused in this case said to have formed an unlawful assembly and prevented free flow of traffic near Visuvakkudi bus stand against the refusal to grant permission to conduct the Jallikattu. Therefore, the case came to be registered. It is further seen from the FIR allegations that no untoward instance or any violence had occurred as a sequel to the protest. The object of the protest is to show the resentment to obtain paramount to conduct Jallikattu. To punish the person u/s 143 of IPC, one should be a member of an unlawful assembly.



The object of the unlawful assembly should be,

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1. To overawe by criminal force, or show of criminal force, [the Central or any State Government or Parliament or the Legislature of any State}, or any public servant in the exercise of the lawful power of such public servant: or

2. To resist the execution of any law, or of any legal process: or

3. To commit any mischief or criminal trespass, or other offence; or

4. By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

5. By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

5. The ingredients in this case, seen from the FIR, do not make out any of the offences referred u/s 141 of IPC. Only a bald statement was made that the accused had prevented free movement of traffic and nothing more is available on record.



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6. *In the said circumstances this Court is of the view that in continuance with the further proceedings of the case for the offences u/s 143, 341 of IPC against the petitioner would not be right and it would amount to abuse of process of law*

4.The above order will enure to the benefit of the petitioners also and accordingly, this criminal original petition is also allowed and proceedings in Crime No.52 of 2022 pending on the file of the 1st respondent police is hereby quashed.

07.08.2023

Index : Yes/No
Internet : Yes/No
ssr

To

1.The Sub Inspector of Police,
Arumbavoor Police Station,
Perambalur – 621 103.

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



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N.ANAND VENKATESH, J

SSR

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