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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17288 of 2023

1.Mohamed Ravoop @ Mohamed Rawoof

2.Jiyavudeen @ Mohamed Giyavudeen

3.Faizal Rahman

.. Petitioners

Vs.

1.The State Rep. by
The Sub Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.
Crime No.1894 of 2021

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.1894 of 2021 dated 06.12.2021 on the file of the respondent police and quash the same.

For Petitioner : Mr.A.Rajamohamed

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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2.The case of the prosecution is that the petitioners and others had assembled and participated in a protest made against the Demolition of Babri Masjid without any prior permission from the concerned authority on 06.12.2021 at 11 a.m. Thereby, the accused persons were causing hindrance to the general public.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4.In the considered view of this Court, the petitioners and others had assembled to protest against an incident that took place in the past which created a lot of controversy. The petitioners getting together to make their protest cannot be construed as an unlawful assembly and such protest was made in a peaceful manner without creating any violence or ending up in any untoward incident. In view of the same, the offence under Section 143 of IPC is not made out. Any protest is bound to create some disturbance to the general public and that itself will not constitute an offence under Section 341 of IPC.



There is nothing in the FIR to show that the accused persons had intentionally obstructed anyone.

5.In the light of the above discussion, the continuation of the investigation as against the accused persons will only result in abuse of process of law which requires the interference of this Court.

6.In the result, the FIR in Crime No.1894 of 2021 pending investigation on the file of the 1st respondent is quashed in entirety and accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.08.2023

Index : Yes/No
Internet : Yes/No
ssr

To

1.The Sub Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.

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



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N.ANAND VENKATESH, J

SSR

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