



Crl.O.P.No.17218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17218 of 2023

and

Crl.M.P.Nos.11110 & 11112 of 2023

- 1.Mohammed Bilal
- 2.Yasin
- 3.Himayun
- 4.Mubarak
- 5.Kajamoidheen
- 6.Mohammed Rafiq
- 7.Zakir Hussain

.. Petitioners

Vs.

- 1.State rep.by its
The Sub-Inspector of Police,
Coonoor Town Police Station, Nilgiris.
(Cr.No.62/2020)

- 2.Gopalakrishnan,
Village Administrative Officer,
Coonoor Town, Coonoor.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC.No.439/2020 pending on the files of Judicial Magistrate Court-Coonoor, Nilgiris and quash the same as illegal and without jurisdiction.



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For Petitioners : Mr.I.Abdul Basith
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings pending in STC.No.439 of 2020 pending on the file of Judicial Magistrate Court, Coonoor, Nilgiris.

2. The case of the prosecution is that on 10.03.2020, at about 21:00 hours, the accused persons joined together and conducted a protest without getting any permission and thereby caused hindrance to the movement of traffic and to the general public. The further case of the prosecution is that the protest led to restraining the movement of vehicles. Based on the complaint given by the second respondent, the first respondent registered an F.I.R in Crime No.62 of 2020 on 10.03.2020. It was investigated and a final report was filed before the Court below and it was taken on file in S.T.C.No.439 of 2020 and cognizance was taken for offence under Sections 143 and 341 of I.P.C. The same has been put to challenge in this Criminal Original Petition by A1 to A4 and A6 to A8.



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3. Heard Mr.I.Abdul Basith, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor, learned counsel for the respondents.

4. The accused persons had gathered and protested regarding the indiscriminate attack that was made by an office bearer of a political party. Hence, the protest cannot *per se* be considered to be unlawful. The protest has let to some inconvenience to the general public and the movement of traffic. Even if the allegations are taken as it is, this Court does not find any offence to be made out.

5. The continuation of the proceedings as against the accused persons will result in an abuse of process of Court and it requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in STC.No.439 of 2020 pending on the files of Judicial Magistrate Court-Coonoor, Nilgiris is hereby quashed



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and the Criminal original petition stands allowed. No costs. Consequently,
connected miscellaneous petitions are closed.

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Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The Judicial Magistrate Court-Coonoor,
Nilgiris.
2. The Sub-Inspector of Police,
Coonoor Town Police Station, Nilgiris.
(Cr.No.62/2020)
3. The Public Prosecutor
High Court of Madras,
Madras.



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N.ANAND VENKATESH, J

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