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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17960 of 2023
and Crl.MP.Nos.11864 & 11866 of 2023

1.Mukthiyar Ahamed @
Muqthar Ahamed (M/31/A1)

2.Zahit Ahamed (M/34/A2)

3.Mohamed Yahoob @
Mohammed Yacoob Araani (M/32/A3)

4.Fayaz Ahamed (M/45/A4)

.. Petitioners/Accused 1 to 4

.Vs.

State rep.by
Sub Inspector of Police
Pernampet Police Station
Vellore.

.. Respondent/Complainant

-(In Crime No.1079 of 2020)

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC No.197 of 2023 in Crime No.1079 of 2020 on the file of the respondent police and quash the same.

For Petitioners : Mr.A.Rajamohamed

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This criminal original petition has been filed challenging the proceedings in STC No.197 of 2023 on the file of Judicial Magistrate Court, Gudiyatham.

2.The case of the prosecution is that the petitioners had assembled and participated in a Dharna against demolition of Babri Masjid and also the revocation of

the special status of Kashmir, without any permission. Based on the complaint, an FIR came to be registered in Crime No.1079 of 2020. After completion of the investigation, a final report has been filed before the Court below for offence u/s.143 and 269 IPC, r/w Section 2 and 3 of Epidemic Disease Act, and Section 51(b) of the Disaster Management Act, 2005 and the same has been taken on file in STC.No.197 of 2023.

3.Heard Mr.A.Rajamohamed, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondent Police.

4.Taking into consideration the facts and circumstances of the case and also of the fact that the protest had taken place on an issue which sparked controversy and the assembly cannot be held to be an unlawful assembly and no useful purpose will be served in continuing with the proceedings, this Court is inclined to interfere with the proceedings.



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5. In the light of the above discussion, the proceedings in S TC No.197 of 2023 on the file of Judicial Magistrate Court, Gudiyatham, is hereby quashed and this criminal original petition is accordingly, allowed. Consequently, connected miscellaneous petitions are also closed.

14.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

1. Sub Inspector of Police
Pernampet Police Station
Vellore.

2. Judicial Magistrate Court,
Gudiyatham.

3. Public Prosecutor
High Court of Madras.



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N. ANAND VENKATESH,. J.

KP

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