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Crl.O.P.No.20096 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.20096 of 2023
and Crl.M.P.No.13653 of 2023**

1. Salaudheen
2. Abuthahir
3. Mohamed Jasmin
4. Mohamed Musthafa
5. Hasarudheen @ Mohamed Ibrahim .. Petitioners

Versus

1. The Inspector of Police,
Koothanallur Police Station,
Tiruvavarur District. (Crime No.180 of 2022).
2. Panneer Selvam .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the impugned Final Report in S.T.C.No.1401 of 2023 pending on the file of the Judicial Magistrate Court-II, Mannargudi.

For Petitioners : Mr.M.Mohamed Saifulla

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor,
for R1



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ORDER

This petition has been filed to quash the proceedings pending in S.T.C.No.1401 of 2023 on the file of the Judicial Magistrate Court No.II, Mannargudi.

2. Heard Mr.M.Mohamed Saifulla, learned Counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor for the first respondent.

3. The case of the prosecution is that the accused persons had formed into an unlawful assembly and had protested against the Central Bureau of Investigation for conducting search and seizure and this protest was conducted by blocking the road between 12:05 to 12:10 hours and thereby, the petitioners caused disruption to the free movement of the traffic. An F.I.R came to be registered for offences under Sections 143 and 341 of I.P.C in Crime No.180 of 2022. On completion of the investigation, Final Report has been filed before the Court below and it has been taken on file by the



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Court below for offences under Sections 143, 341 and 283 of I.P.C as against 36 accused persons.

4. On carefully reading the allegations made in the Final Report and the statements recorded from the witnesses, this Court holds that the protest conducted by the accused persons cannot be held to be an unlawful assembly. Even if the allegations are taken as it is, no offence has been made out and the facts of the present case can be brought within the scope of the Section 95 of I.P.C.

5. In the light of the above, the proceedings in S.T.C.No.1401 of 2023 pending on the file of the Judicial Magistrate Court No.II, Mannargudi is quashed in its entirety and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

12.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Judicial Magistrate Court No.II,



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- Mannargudi.
2. The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.
 3. The Public Prosecutor,
High Court of Madras.

N.ANAND VENKATESH, J.

grs

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