



Crl.O.P.No.20803 of 2023

In the High Court of Judicature at Madras

Dated : 21.9.2023

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.20803 of 2023
& Crl.M.P.Nos.14233 & 14234 of 2023

1.Mr.Khadhar (a) Mohamed
Abdul Kadar
2.Mr.Kalilahamed (a) Kaleel
Ahamed

...Petitioners

Vs

The State rep.by
The Sub-Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
...Respondent

PETITION under Section 482 of the Criminal Procedure Code
praying to call for the records in S.T.C.No.245 of 2023 on the file of
the learned Judicial Magistrate No.1, Mayiladuthurai and quash the
same by allowing this criminal original petition.

For Petitioners	:	Mr.H.Thameen Ansari
For Respondent	:	Mr.A.Gopinath, GA (Crl.Side)

ORDER

This petition has been filed by the petitioners seeking to quash



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proceedings in S.T.C.No.245 of 2023 on the file of the learned Judicial Magistrate No.1, Mayiladuthurai.

2. The case of the prosecution is that the accused persons had gathered and formed an unlawful assembly on 22.09.2022 and had conducted a protest at about 12.15 hours and were shouting slogans against the NIA Police officials for arresting the PFI State officer bearers. Based on the complaint given by the 2nd respondent, an FIR came to be registered and on completion of investigation, the final report has been filed as against 14 accused persons for offence under Section 143 and 341 of IPC.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. In the considered view of this Court, the protest that was shown by the accused persons cannot be held to be an unlawful assembly. The facts of the present case can be brought within the scope of Section 95 of IPC. Therefore, the continuation of the Criminal



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proceedings will only result in an abuse of process of law, which requires the interference of this Court. In view of the above, the proceedings in S.T.C.No.245 of 2023 on the file of the learned Judicial Magistrate No.1, Mayiladuthurai, is hereby quashed in its entirety. This Criminal Original petition is allowed. Consequently, connected miscellaneous petitions are closed.

21.9.2023

Index : Yes (or) No
Internet : Yes (or) No
Neutral Citation : Yes (or) No
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To
1.The Judicial Magistrate No.1,
Mayiladuthurai.

2.The Sub-Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

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