



CrI.O.P.(MD).No.15917 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.15917 of 2020

and

CrI.M.P(MD)Nos.7839 and 7840 of 2020

Asraf Ali @ Asarap Ali

... Petitioner

Vs.

1. The State represented by the
Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.172/2019)

2. Atham Ali

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to the Charge Sheet in C.C.No.
28 of 2020 on the file of the learned Judicial Magistrate, Nanguneri and
Quash the same as illegal so far as the Petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.P.Kottaichamy,
Government Advocate(CrI.Side)
for R1



Crl.O.P.(MD).No.15917 of 2020

WEB COPY

ORDER

The petitioner has filed this Criminal Original Petition under Section 482 Cr.P.C. praying to call for the records pertaining to the Charge Sheet in C.C.No.28 of 2020 on the file of the learned Judicial Magistrate, Nanguneri and Quash the same as illegal so far as the Petitioner is concerned.

2. Case of the prosecution:

During the part of the social welfare activities, the petitioner earned enmity against the respondent police. In such circumstance, on 16.09.2019, a peaceful public gathering was conducted near Kaikaati junction at Eruvadi and the same was ended within few minutes without any rustle. But with the malafide intention, the 2nd respondent herein, who is the Sub Inspector of Police attached to the 1st respondent police lodged a complaint that on 16.09.2019, while he was on duty, he got an information that a group of people is going to surround the police station, hence he rushed to the spot and found the petitioners near Kaikaati junction and when the 2nd respondent stated to the petitioners to disburse, the petitioner along with 99 persons scolded him with filthy language and threatened him with dire consequences. On the basis of the above complaint, the 1st respondent registered a case in Crime No.172 of 2019



Crl.O.P.(MD).No.15917 of 2020

for the offences under Sections 147, 143, 294(b), 283, 353 & 506(ii) of IPC., against the petitioner and others.

3. The petitioner is the accused No.59 in C.C.No.28 of 2020. The petitioner and other accused were unlawfully assembled and made slogans against the police Officers. Therefore, the case was come to be registered against number of accused persons and they have filed the quash petition before this Court and this Court passed the following order, dated 31.01.2022:

This Criminal Original Petition has been filed to quash the impugned proceedings.

2. According to the prosecution, the accused unlawfully assembled and raised slogans against the Police Department. It is true that they did not indulge in any act of violence. No adverse consequence ensued. However, the petitioners appear to have been very rude in their behaviour towards the Police. I wanted the petitioner to atone for their act.

3. The learned counsel for the petitioner states that the petitioners sincerely regret their behaviour and they have also written a letter to the Eruvadi Police. Continuance of the impugned prosecution is not warranted. The impugned proceedings stand quashed and



Crl.O.P.(MD).No.15917 of 2020

the Criminal Original Petition is allowed. The benefit of the order will enure in favour of the non-petitioning accused also. Consequently, the connected Miscellaneous Petitions are closed.

4. Therefore, the said benefit is extended to the petitioner also with the condition stated in paragraph No.2 of the aforesaid order.

5. With the above said observation, this petition stands allowed and consequently, connected miscellaneous petitions are closed.

07.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbn

To

1. The Judicial Magistrate,
Nanguneri.
2. The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.15917 of 2020

K.K.RAMAKRISHNAN, J.

sbn

Crl.O.P.(MD) No.15917 of 2020

and

Crl.M.P(MD)Nos.7839 and 7840 of 2020

07.11.2023