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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 26/06/2023

CORAM

The Hon'ble Mr. Justice **G. ILANGO VAN**

Cr1.OP (MD) No.19939 of 2022

and

Cr1.MP (MD) Nos.13749 and 13750 of 2022

1. Abdul Vahab
2. Ayub Khan
3. Wahith Khan
4. Mohamed Ali
5. Samsudeen @ Syed Samsudeen
6. K.S. Raheem
7. Jinaith Babu
8. Abdulla @ Mohamed Abdullah : Petitioners/A1 to A8

Vs.

1. State rep by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
(Crime No.712 of 2014) : R1/Complainant
2. S.K.K.K. Hakkim : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the charge sheet in CC No. 67 of 2015 on the file of the Judicial Magistrate, Palani and quash the same as illegal and pass such further or other orders.



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For Petitioners : Mr.B.Ramnath

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This criminal original petition is filed seeking quashment of the CC No.67 of 2015 on the file of the 1st respondent.

2.The case of the prosecution is that the de-facto complainant is working as President of Madhina Masjid Arabic School, Palani. Because of the difference of opinion between the accused and the de-facto complainant, proceedings were initiated before the Wakf Board. The de-facto complainant filed a petition before the Sub Court, Dindigul under Wakf Act. The above said proceedings still pending. Pending the above said proceedings, on 08/08/2014 at about 11.45 pm, A2, A3, A8 and A9 gathered in an unlawful manner with crowbar, A5, A6 and A7 with wooden log, demaged the name board and removed the same. When that was objected by the de-facto complainant, he was abused, criminally intimidated. Over the above said occurrence, a case in Crime No.712 of 2014 was registered for the offences under sections 147, 148, 427 and 506(ii)



IPC. After completing the formalities of investigation, final report was filed and it was taken cognizance in CC No.67 of 2015 by the Judicial Magistrate, Palani.

3. Now seeking quashment of the same, this petition has been filed on the ground that there is continuous enmity exists between the de-facto complainant and the accused persons over the management of the Madhina Masjid Majith Arabic School, Palani.

4. Heard both sides.

5. Because of the continuous issue, several cases have been registered against each party and one among the case was Crime No.165 of 2015, dated 14/02/2015. The copy of the FIR is also enclosed along with the types set of papers. Wherein, we find that the de-facto complainant name is Hakkim, who is the 2nd respondent herein. In that complaint, he has stated that he is the Managing Trustee of Madhina Masjid Arabic School, Palani and he is also doing social service. Because of the enmity between him and the accused over the management of the school, WOP No.2 of 2015 was filed by him and interim stay was also



granted. They caused damage to the name board, over which, a case in Crime No.712 of 2014, which is the present case, has been registered. In the above said case, they were granted anticipatory bail.

6.Because of the above said trouble, created by the accused persons, the matter was taken up by the Jamath. He maintained the accounts books and collected the records in a room, apart from, Rs.45,000/- in cash, locked the room and handed over the key to one of the members of the Jamath. On 09/12/2014 at about 08.00 pm, the accused persons gathered unlawfully, broke open the lock and stolen away the articles, documents and cash amount. When the above said illegal act was objected by him, he was abused, criminally intimidated. So seeking police protection, he lodged the above said complaint.

7.Seeking quashment of the above said proceedings, A1 namely S.Ahamed Rafeesyed Isamily Gori filed Cr1.OP(MD)No.11468 of 2017 before this court. In that case, the above said petitioner produced the order passed by the District Revenue Officer/Chief Executive Officer, Tamil Nadu Wakf Board, Chennai, dated 02/08/2014 in R.C



8. Even though, the 2nd respondent was served, he has not chosen to appear before this court. When the first petitioner was stated to be in possession of the property, they trespassed, disturbed the same, causing damage to the name board are inherently improbable in nature.



9.By following the earlier order passed in Cr1.OP (MD) No.11468 of 2017, dated 16/06/2021, this petition is liable to be allowed.

10.In the result, this criminal original petition is **allowed**. The case CC No.67 of 2015 on the file of the Judicial Magistrate, Palani is hereby quashed against the petitioners. Consequently, connected Miscellaneous Petitions are closed.

26/06/2023

Index:Yes/No
Internet:Yes/No

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To,

- 1.The Judicial Magistrate,
Palani.
- 2.The Inspector of Police,
Palani Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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