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Criminal Original Petition No.3149 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3149 of 2024
and
Crl.MP.Nos.2327 & 2328 of 2024

1.Feroskan,
S/o.Asan

2.Rafi,
S/o.Muhammed

3.Mujeeb
S/o.Abu

4.Jaseer
S/o.Veeran Kutti

...Petitioners

Vs

State
Rep. by the Inspector of Police
Gudalur Police Station, Nilgiris
(Cr.No.29/2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in S.T.C.No.52/2023 pending on the file of Special Judicial Magistrate, Gudalur and quash the same.



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For Petitioner : Mr.I.Abdul Basith
For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Original petition has been filed challenging the proceedings in S.T.C.No.52/2023 pending on the file of Special Judicial Magistrate, Gudalur.

2. Heard Mr.I.Abdul Basith, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing on behalf of respondent.

3. The case of the prosecution is that the accused persons had unlawfully gathered and were agitating against the Cuddalore Municipality. As a result, they caused disturbance to the general public and for the free movement of the traffic.

4. In the considered view of this Court, even if the



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allegations made in the final report are taken as it is, no offence has been made out. That apart, the facts of the present case can be brought within the scope of Section 95 of IPC. Therefore, the continuation of the Criminal 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.52/2023 pending on the file of Special Judicial Magistrate, Gudalur, is hereby quashed in its entirety. This Criminal Original petition is allowed. Consequently, connected miscellaneous petitions are closed.

15.02.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police
Gudalur Police Station, Nilgiris

2.The Special Judicial Magistrate,
Gudalur

3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J



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