



Crl.O.P.No.6955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.6955 of 2024

and

Crl.M.P.No.5077 of 2024

1.Mohamad Rafeek

2.Abduljaleel

3.Peer Mohamed

... Petitioners / Accused 4 to 6

Vs.

1.The State Rep. by
The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.
(Crime No.509 of 2022)

... Respondent / Complainant

2.K.Lathamathi
Complainant

... Respondent / Defacto

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C prayed to call for the records relating to FIR in Crime No.509 of 2022 on the file of the 1st respondent and to quash the same.



Crl.O.P.No.6955 of 2024

For Petitioners : Mr. K.Sudhakar

For R1 : Mr. A. Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners have taken recourse to Section 482 Cr.P.C., and seek to quash further investigation in FIR in Crime No.509 of 2022 registered by the 1st respondent, Pollachi East Police Station, Coimbatore District, for the offences punishable under Sections 143 & 341 of IPC.

2.The defacto complainant is the Village Administrative Officer of Pollachi Town in Coimbatore District. It is the case of the defacto complainant that on 02.09.2022, she had received an information that, in front of Madras Hotel, Kadaiveethi, some persons belonging to Muslim religion had assembled and blocked the road. It had been stated that requests were made to the 1st respondent to take action against those persons, who created problem during the Vinayagar Idol procession on 02.09.2022 at 2.00 PM at Semba Gounder Colony, Pollachi. It was stated that there was also disturbance in the traffic and slogans were raised.



CrI.O.P.No.6955 of 2024

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3.A perusal of the FIR shows that, the main allegation is that, a few persons had gathered in the road and had raised slogans. There could not be any disturbance of any activity by that particular act. The only proximity is that it was done close to the Vinayagar Idol procession or rather when the temple chariot was taken along the road. It is not the case that in front of the chariot there were disturbances. It is also not the case that there was any damage done to the property or physical harm caused to any individual.

4.A group of persons stood by the road side and raised protest. It is well within their rights to do so. They did not disturb the traffic or any individual. There is also no private complaint received relating to such disturbances. The defacto complainant is the Village Administrative Officer, who also was not a direct eye witness to such disturbance, but rather an information was received from her assistant about that particular incident. There is absolutely no direct information for the 1st respondent police to proceed further with the investigation.



CrI.O.P.No.6955 of 2024

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5.In view of the above, all further proceedings in FIR in Crime No.509 of 2022 on the file of the 1st respondent stands quashed as against the petitioners. The petitioners stand discharge of all offences alleged against them. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

22.03.2024

smv

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No

To,

1.The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.6955 of 2024

C.V.KARTHIKEYAN, J.

smv

CrI.O.P.No.6955 of 2024

22.03.2024