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Crl.O.P.No.6809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6809 of 2024

And

Crl.M.P.Nos.4983 and 4986 of 2024

1.Mohammed Irfan
2.Nasar
3.Shajakhan
4.Mohammed Sherif
5.Sathik Ali
6.Kithar Baskhan
7.Ameer Sughail

... Petitioners

Vs.

1.State rep.
Inspector of Police,
Ukkadam Police Station,
Coimbatore City,
Crime No.190 of 2022

2.Sabaridasan

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the entire records pursuant to the case in S.T.C.No.1379 of 2023 on the file of Judicial Magistrate No.V, Coimbatore and quash the same by allowing the criminal original petition.

For Petitioners : Mr.K.Sudhakar

For Respondents : Mr.A.Gopinath for R1

Government Advocate (Crl. Side)



CrI.O.P.No.6809 of 2024

ORDER

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This petition has been filed to quash the final report pending in S.T.C.No.1379 of 2023 on the file of the learned Judicial Magistrate No.V, Coimbatore.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (CrI. Side).

3.The accused persons were conducting a protest against the action taken by NIA. As a result, they had gathered in the National Highways and caused hindrance to the free movement of the traffic. The final report was taken cognizance by the Court below for the offence under Sections 143 and 341 of I.P.C.

4.In the considered view of this Court, there was a spontaneous protest by persons belonging to a particular community against the action initiated by NIA. The same cannot be treated as an un-lawful assembly. It is also seen that there is absolutely no application of mind while taking cognizance of the final report and a rubber stamp cognizance has been taken by the Court below. The facts of the present case can be brought within the fold of Section 95 of I.P.C.

2/4



CrI.O.P.No.6809 of 2024

WEB COPY

5.In the light of the above discussion, the proceedings in S.T.C.No.1379 of 2023 on the file of the learned Judicial Magistrate No.V, Coimbatore, is quashed in its entirety and this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

20.03.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate No.V,
Coimbatore.

2.The Inspector of Police,
Ukkadam Police Station,
Coimbatore City,
Crime No.190 of 2022

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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