



Crl.O.P.No.7350 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.7350 of 2024
and Crl.M.P.No.5330 & 5334 of 2024

1.Muhamathu Rafic

2.Abdul Rahuman

3.Muhamed Rafic

4.Abdul Jalil

5.Riyashbabu

6.Noor Muhamed

7.Muhamad Serif

8.Rameesh

9.Mohamed Rafic

.. Petitioners

Vs.

1.State Rep by its
The Inspector of Police,
Pollachi East, Pollachi.
(Crime No.533 of 2022)

2.Lathamathi,
Village Administrative Officer (VAO),
Pollachi Town, Pollachi.

.. Respondents



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Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in S.T.C.No.2364 of 2022 pending on the file of Judicial Magistrate – I, Pollachi and quash the same as illegal and without jurisdiction.

For petitioners : Mr.I.Abdul Basith
For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The Petition has been filed seeking to quash the proceedings in S.T.C.No.2364 of 2022 pending on the file of Judicial Magistrate – I, Pollachi.

2.The case of the prosecution is that the petitioners had assembled and protested without any permission and thereby, they had caused inconvenience to the general public and the petitioners also did not abide by the request made by the police to disperse from the place.

3.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the 1st respondent.

4.In the considered view of this Court, the protest had taken place



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questioning a poster that was made a subject matter of the criminal prosecution by the police. The protest in this case was a spontaneous reaction and it is more in the nature of agitation against the police. Therefore, it cannot be termed as unlawful assembly. The facts of the present case can be brought within the fold of Section 95 of IPC. No useful purpose will be served in continuing with the criminal proceedings. Hence, this Court is inclined to exercise its Jurisdiction under Section 482 of Cr.P.C.

5.In the light of the above discussion, the proceedings in S.T.C.No.2364 of 2022 pending on the file of Judicial Magistrate – I, Pollachi, is hereby quashed.

6.Accordingly, this Criminal Original Petition is allowed in the above terms. Consequently, the connected Miscellaneous Petitions are closed.

26.03.2024

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

krk

To

- 1.The Judicial Magistrate – I,
Pollachi.
- 2.State Rep by its
The Inspector of Police,
Pollachi East, Pollachi.
- 3.Village Administrative Officer (VAO),
Pollachi Town, Pollachi.
- 4.The Public Prosecutor,
Madras High Court, Chennai.

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