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Crl.OP.No.27270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P. No.27270 of 2024

E.Abdul Hadhi

.. Petitioner

Versus

The Special Assistant Sub-Inspector of Police
Mannargudi Town Police Station
Tiruvarur District

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Cr.No.3173 of 2020 on the file of the respondent herein and quash the same insofar as the petitioner is concerned.

For Petitioners : Mr.S.Nagarajan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to call for the records in Cr.No.3173 of 2020 on the file of the respondent herein and quash the same insofar as the petitioner is concerned.



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2. The petitioner had applied for passport to the Regional Passport Officer, Tiruchy. The petitioner received a communication on 04.06.2024 from the passport authorities stating that the petitioner is involved in Cr.No.3173 of 2020 on the file of Mannargudi Town Police Station for the offences under Sections 143, 341 and 270 of IPC read with Section 3 Epidemic Diseases Act of and further action has been dropped on 01.09.2024 by the respondent police not recommended. Thereafter, the petitioner had filed the above petition on the ground that once the case has been dropped, nothing survives. Hence, the case in Cr.No.3173 of 2020 has to be quashed.

3. The learned Government Advocate (Crl.Side) submitted that during the corona pandemic, on 30.10.2020, one Musthafa Rabi, who is the president of TNTJ, Mannargudi had formed a group of persons into an unlawful assembly, despite proceedings under Section 144 of CrPC was in force from 24.03.2020, 6 pm had raised objections for depicting Mohammed Nabi in not fitting to his status in a magazine which was supported by the then France President. The respondent police who were duty bound to implement proceedings under Section 144 CrPC, maintaining public order and restriction of movements owing to Covid pandemic, the petitioner and others violated the order of maintaining social distance and unlawfully



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assembled and protested, hence, the case registered in Cr.No.3173 of 2020

on the file of Mannargudi Town Police Station. Later, action was dropped as a mistake of facts. It has been closed on 01.09.2021 and the same was intimated to the Court and that is the reason the passport authorities have also referred to the pendency of the above case against the petitioner. Now, the learned Government Advocate (Crl.Side) submitted that the respondent police already taken steps to file closure report before the learned Judicial Magistrate No.1, Mannargudi and the same will be filed within a period of two weeks.

4. In view of the submissions of the learned Government Advocate (Crl.Side) that the closure report that already action has been dropped will be filed before the learned Judicial Magistrate No.1, Mannargudi that too within a period of two weeks, this criminal original petition stands disposed of. No costs.

5. In view of the above, it is seen that criminal case in Cr.No.3173 of 2020 as an adverse notice in respect of the petitioner is no more existi. The Regional Passport Authority, Trichy cannot have objection citing Cr.No.3173 of 2020 pending on the file of Mannargudi Town Police Station against the



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petitioner. In view of criminal case already closed as early as on 01.09.2021,
the Regional Passport Authority can issue Passport/Renew, if petitioner is
otherwise eligible.

30.10.2024

dhk

Note: Issue Order Copy on 11.11.2024

To

1.The Judicial Magistrate No.1,
Mannargudi

2.The Special Assistant Sub-Inspector of Police
Mannargudi Town Police Station
Tiruvarur District

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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