



Crl.O.P.(MD) No.23516 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.01.2024

PRONOUNCED ON : 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23516 of 2023

and

Crl.M.P.(MD)Nos.18302 and 18303 of 2023

1.Imam Ali
2.Abdul Malik
3.Mohamed Sabeer
4.Adbulamur
5.Thamimul Ansari
6.Mohamed Rafeek
7.Abdul Rasheeth
8.Haji Mohamed

...Petitioners

vs

State represented by Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Tamil Nadu-612 001.
(in Cr.No.159 of 2017)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in S.T.C.No.2425 of 2019 on the file of the learned Judicial Magistrate-II, Kumbakonam and to quash the same as against the Petitioners.



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For Petitioners : Mr.A.Rajamohamed
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioners submitted that the Petitioners had been arrayed as accused in S.T.C.No.2425 of 2019 on the file of the Judicial Magistrate No-II, Kumbakonam. The learned Counsel for the Petitioners invited the attention of this Court to the contents of the charge sheet that they have conducted peaceful protest against the arrest of Mohamed Tahir, who was arrested for the murder of one Sasikumar at Coimbatore.

2.The learned Counsel for the Petitioners would submit that the facts of the case are exactly similar to the case covered in the decision reported in ***2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District]*** dated 20.09.2018 and in the case of ***Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others*** in batch of cases in Crl.O.P(MD)No.7922 of 2019 dated 30.08.2019.



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3.The learned Additional Public Prosecutor vehemently objected to the same stating that the case was registered on the ground that for peaceful protest, the citizen of the country has to obtain permission from the authorities concerned, but without obtaining permission, the Petitioners and other accused in this case had suddenly indulged in road roko, thereby, causing inconvenience to the general public regarding their movement and committing breach of law. Therefore, he seeks to dismiss this Petition.

4.Perused the materials on record.

5.The case was registered for offences under Sections 143 and 188 of IPC. Charge sheet was laid for the same offence.

6.The facts of this case are similar to the facts covered by the Judgment of this Court reported in ***2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District]*** dated 20.09.2018 and in case of ***Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District***



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and others in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019. Accordingly, the case in S.T.C No.2524 of 2019 on the file of the the Judicial Magistrate No-II, Kumbakonam, is hereby quashed as far as the all accused, who are involved in S.T.C.No.435 of 2022, including the Petitioners herein are concerned.

The ***Criminal Original Petition*** is allowed accordingly.
Consequently, connected Miscellaneous Petitions are closed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

05.03.2024

akv/jbr/cmr

To

1.The Judicial Magistrate No-II, Kumbakonam.

2.The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Tamil Nadu-612 001.



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SATHI KUMAR SUKUMARA KURUP, J.

akv/jbr/cmr

Order made in
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