



Crl.O.P.No.14167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.14167 of 2025

and

Crl.M.P.Nos.9590 and 9593 of 2025

1. Abdul Kadar @ Abdul Kader
 2. Rajausain @ Raja Hussain
 3. Mohmmmed Musthafa
 4. Shajakhan
 5. Umar Sherif @ Umar Shareef
 6. Faritha @ Fareetha
- ... Petitioners

Vs.

1. State Rep.by
Sub Inspector of Police,
Ukkadam Police Station,
Coimbatore,
Crime No.108 of 2022.
 2. Prathap Kumar
Village Administrative Officer,
Coimbatore Town – 641 001.
- ... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in S.T.C.No.3981 of 2023 in Crime No.108 of 2022 on the file of the Judicial Magistrate-V, Coimbatore and quash the same.



WEB COPY



Crl.O.P.No.14167 of 2025

For Petitioners : Mr.A.Rajamohamed
For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in S.T.C.No.3981 of 2023 in Crime No.108 of 2022 on the file of the Judicial Magistrate-V, Coimbatore.

2. Learned counsel for the petitioners submitted that the petitioners are social activists and have been raising voice for the public cause and public welfare, whenever there seems to be injustice and inaction of the Government machineries. In that way, on 17.05.2022, the petitioners herein participated in the demonstration, which was conducted at Coimbatore Ukkadam N.H.Road, near Valliammai Bakery, as per the provisions of law and without causing any hindrance, either to the public or to the transportation. However, based on the complaint given by the second respondent, the first respondent-Police registered a case against the petitioners herein and others. He further submitted that there were lot of members involved in the said protest, however, the second respondent/ complainant, with a mala-fide intention, falsely implicated



Crl.O.P.No.14167 of 2025

the petitioners in the case in Crime No.108 of 2022 and also the first respondent/Police filed the charge sheet against them. He further submitted that no ingredients have been made out against the petitioners for the offences under Sections 143 and 341 of IPC, however, the learned Magistrate took cognizance as against the petitioners.

3. Learned Government Advocate (Crl.Side) appearing for the first respondent-Police, on instructions, submitted that, on 17.05.2022 around 17.00 hrs, the petitioners herein and Coimbatore Social Democratic Party of India (SDPI) led by State General Secretary Abdul Khader and some members gathered together at Valliammai Bakery and without getting any prior permission from the concerned authority, had conducted a protest against conspiracies against Gyanwabi Masjid and Implement Places of Worship Act, 1991. Based on the complaint given by the second respondent herein, the first respondent-Police registered a case in Crime No.108 of 2022 against the petitioners for the alleged offences punishable under Sections 143 and 341 of IPC and also filed a final report before the learned Judicial Magistrate-V, Coimbatore. The learned Magistrate, had taken cognizance of the case in S.T.C.No.3981 of 2023.



CrI.O.P.No.14167 of 2025

4. Heard both sides and perused the materials available on record.

WEB COPY

5. Admittedly, the second respondent, who is working as Village Administrative Officer, Coimbatore, has given the complaint against the petitioners and others alleging that the petitioners and others, without getting prior permission from the concerned authority, have conducted protest and that a case in Crime No.108 of 2022 was registered against them. As per the prosecution, in order to prevent deterioration of law and order problem, the first respondent-Police arrested the petitioners and others and registered a case against them and also filed the charge sheet. If any law and order problem or hindrance and disturbance are caused to the public, they would give a complaint, but, in this case, no one has made any complaint, whereas, the second respondent herein, who is working as a Village Administrative Officer alone has filed the complaint against the petitioners and others.

6. Considering the facts and circumstances and also considering the submissions of both sides, this Court is of the view that since continuance of prosecution is not warranted, the First Information



CrI.O.P.No.14167 of 2025

Report and Final Report do not disclose any act of violence or happening of untoward incident, even though no public had filed any complaint against the petitioners and hence, the charge-sheet in S.T.C.No.3981 of 2023 pending on the file of the Judicial Magistrate Court – V, Coimbatore, is hereby quashed.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

03.06.2025

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

To

1. The Judicial Magistrate -V,
Coimbatore.
2. The Sub Inspector of Police,
Ukkadam Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.14167 of 2025

P.VELMURUGAN, J

ms

CrI.O.P.No.14167 of 2025

03.06.2025