



Crl.O.P.(MD)No.1200 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1200 of 2025

and

Crl.M.P(MD) Nos.823 and 824 of 2025

Durabsybullah @ Thurab Syfullah

.. Petitioner

Vs

1.The State of Tamil Nadu rep.by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi,
(Crime No.231 of 2021)

2.P.Vijayakumar

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the charge sheet in S.T.C.No.1187 of 2023 on the file of the learned Judicial Magistrate, Tenkasi and quash the same as illegal sofar as the petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.1187 of 2023 on the file of the learned Judicial Magistrate, Tenkasi.

2. The case projected against the petitioner is that the petitioner along with some other persons have assembled in front of Hyaathul Islam Pallivasal, Kadayanallur and shouted against the Government in hike in prices of petrol and diesel and thereby they have restrained the public and obstructed free flow of traffic which caused disturbance to public, hence a case has been registered in Crime No.231 of 2021 for the offences under Sections 143, 269, 283 and 270 of IPC and Section 3 of the Epidemic Diseases Act, 1897 against the accused persons.

3. The contention of the petitioner is that the list of witnesses in the final report are all official witnesses and no public witnesses have been examined in this case. He would further submit that no specific overt act has been attributed as against any of the petitioner herein. The learned counsel appearing for the petitioner would further submit that the facts of the case are exactly similar to the case covered in the decision reported in



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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 other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019

4. The learned Additional Public Prosecutor would submit that the petitioner and others had held protest without getting any permission from the concerned officials. He would fairly submit that this Court in similar grounds quashed the proceedings based on the citations referred by the learned counsel appearing for the petitioners.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. Perused the materials on record

7. The facts of this case is 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***



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Station, Karur District] dated 20.09.2018 and in case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.

8. In the result the Criminal Original Petition stands allowed and the proceedings in S.T.C.No.1187 of 2023 on the file of the learned Judicial Magistrate, Tenkasi is quashed not only against the petitioner but also as against all the other accused, who are also similarly placed. Consequently, connected miscellaneous petitions are closed.

24.01.2025

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

- 1.The Judicial Magistrate, Tenkasi
- 2.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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