



CrI.O.P.(MD)No.1184 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.1184 of 2025 and
CrI.MP(MD)Nos.802 & 804 of 2025

- 1.Meer Fakrudeen Munshi @ S Meer Facrudeen Munshi
- 2.Shasuli Ibrahim @ Shajuli Ibrahim
- 3.Syed Latif Ibrahim @ Syed Lathief Ibrahim
- 4.Syed Ahamed Ibrahim @ Ahamed Ibrahim
- 5.Syed Abdul Kadar @ SAK Ibrahim
- 6.Syed Abdul Salam @ Abdus Salam Ibrahim
- 7.Amjath Ibrahim @ Amjath Ibrahim A S
- 8.Syed Kamardeen @ SSM Kamarudeen

... Petitioners

Vs.

- 1.State through the Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
(In Crime No.31 of 2019).

- 2.Umar Farook,
Wakf Superintendent/Administration Officer,
Kazimar Big Mosque,
Madurai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to
call for the records of Charge Sheet in C.C.No.178 of 2021 pending before



CrI.O.P.(MD)No.1184 of 2025

the learned Judicial Magistrate Court No.V Madurai dated 21.12.2020 and

quash the same as against these petitioners as illegal.

For Petitioner : Mr.SMA Jinnah

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

ORDER

The petitioners/A1, A6, A7, A9, A12, A14, A21 & A22 who are facing trial in C.C.No.178 of 2021 for the offences under Sections 147, 341 and 353 of IPC, have filed the present quash petition.

2.The case against the petitioners is that the defacto complainant, Wakf Superintendent/Executive Officer had instructed the petitioners herein to handover all the administrative responsibilities, budget details and assets of the Great Mosque, situated at Kajimar Street, Madurai to prepare the Framework Scheme within two months in the light of the order passed in W.A(MD)Nos.702 & 703 of 2016 and C.M.P(MD)Nos.4460 & 4461 of 2018, dated 25.09.2018. The defacto complainant had sent a notice from the Wakf Office to the Managing Trustee of the Great Mosque on 29.10.2018, 07.11.2018 and 12.11.2018. The notice was not complied and



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the Administrators have not handed over the documents and administration to the defacto complainant. Thereafter, the defacto complainant invoking Section 68 of Wakf Act, 1996 had informed the District Revenue Officer on 23.11.2018 and then, a notice was sent to the Managing Trustee of the Great Mosque to handover the administration within a period of seven days. On 13.12.2018, the District Revenue Officer issued instruction to the Police to give protection for the defacto complainant to take possession. Accordingly, on 19.12.2018, at 05.00 p.m, when the 1st respondent and the Tahsildar had gone to the Greater Mosque along with the defacto complainant, they were restrained, abused and were not allowed inside the mosque informing that the erstwhile mutawallis of the mosque are approached the Supreme Court. This information was sent to the District Collector. On his advice, again on 03.01.2019 at 11.00 a.m when the defacto complainant had gone along with the revenue and Police officials, they were restrained, abused and were not allowed to discharge the public duty. Hence, a complaint has been given by the 2nd respondent and on completion of investigation, the final report has been filed before the Trial Court arraying 23 accused and listing 8 witnesses.



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3.The learned counsel for the petitioners submitted that the petitioners with the hard work and contribution along with others had built up a mosque and also ensured that the mosque is sufficient financial support but a rival group disrupted the management and filed petitions in various Courts which brought the intervention of the Wakf Board and later a scheme to be framed which was against the existing scheme, hence there was some dispute and both the groups had approached the Court. The learned counsel further submitted that during the prayer hours, the defacto complainant along with the Police and revenue officials had forcibly entered into the mosque and caused disturbance, due to which there was objection and wordy altercation which has been projected as though the petitioners have restrained the public servants from discharging their duty.

4.The learned counsel further submitted that the fourteen co-accused in C.C.No.178 of 2021 had filed a quash petition in Crl.O.P(MD)No.22855 of 2024 before this Court and the same was allowed by this Court on 03.01.2025. In support of his submissions, the learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in the case of *Manik Taneja and another v. State of Karnataka and another*



reported in 2015 (7) SCC 423.

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5.The learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that there were two factions in the Great Mosque and previously, the petitioners' group had managed the affairs of the mosque. The rival group had sent a representation and filed several cases. Finally, this Court in W.A. (MD)Nos.702 and 703 of 2016, vide judgment dated 25.09.2018, had directed the petitioners' group to hand over the Management to the defacto complainant. Following the same, the Wakf Board was to formulate a scheme for the proper management of the mosque. When the Revenue and Police officials, on the instructions of the District Revenue Officer, attempted to take control of the mosque, the petitioners' group obstructed them. While the petitioners claimed an appeal was pending before the Hon'ble Supreme Court, no details were provided to substantiate the said contention. The learned Additional Public Prosecutor further submits that the petitioners' actions were merely a protest and that the Wakf Board should implement the judgment of the Division Bench of this Court and ensure inclusive management of the mosque.



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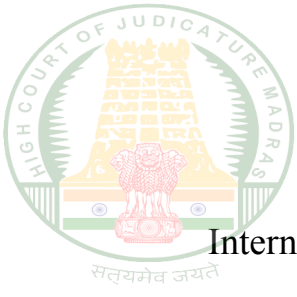
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6.Considering the above said submissions and on perusal of the materials, it is seen that the petitioners had previously managed the affairs of the mosque and contributed to its growth. The dispute arose when a disgruntled group raised objections. The incident on the day in question, which involved protest during prayer time, cannot be considered a criminal act. The resistance shown was not sufficient to constitute an unlawful assembly or obstruction of public officials and there is no evidence to support the allegations against the petitioners. Furthermore, continuing the case would only exacerbate the conflict between the two groups. Therefore, it is better for both groups to peacefully coexist and focus on their religious duties.

7.In view of the above, the proceedings in C.C.No.178 of 2021, on the file of the Judicial Magistrate Court No.V, Madurai, is hereby quashed against the petitioners/A1, A6, A7, A9, A12, A14, A21 & A22 and also against A15 who is also similarly placed. This Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

23.01.2025

NCC : Yes/No
Index : Yes / No



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Internet : Yes / No

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To

- 1.The Judicial Magistrate No.V,
Madurai.
- 2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

ta/vv2

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