



WEB COPY



Crl.O.P.(MD)No.1699 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1699 of 2025
and Crl.M.P(MD) No.1183 of 2025

Abubakkar Siddique

... Petitioner

Vs

1. The State of Tamil Nadu Rep. by,
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Crime No.132/2024)

2. Velu,

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
To call for the records pertaining to Crime No. 132 of 2024 dated
19.09.2024 on the file of the Inspector of Police, Mandapam Police
Station, Ramanathapuram District and QUASH the same in so far as this
petitioner is concern.

For Petitioner

: M/s.K.Yasar Arafath

For Respondents

: Mr.K.Sanjai Gandhi (R1)
Government Advocate
(Criminal Side)



WEB COPY



Crl.O.P.(MD)No.1699 of 2025

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.16 of 2024 on the file of the second respondent Police.

2. The case of the prosecution is that on 19.09.2024 while the 2nd respondent and other police officials were in their patrol duty, at that time, they saw the accused persons were unlawfully assembled near Railway gate and conducted protest against the Srilankan Government as well as the Central Government for the attack of the Indian fisherman and to protect them, thereby, caused obstruction to the public and traffic. Based on the complaint given by the 2nd respondent, a case in Cr.No.132 of 2024 has been registered under Sections 189(2), 292, 126(2) of BNS Act.

3. The contention of the petitioner is that the petitioner has been primarily charged for forming unlawful assembly causing wrongful restraint and nuisance to the general public. On information, complaint had been lodged and there is no incident after the protest to show that the public were restrained from moving and no untoward incident happened.



The case projected against the petitioners is that they had conducted protest against the performance of the State Government and the police officials. He would further submit that they conducted demonstration in the peaceful manner and they did not indulge in any violent activities had not violated the traffic regulations. The learned counsel appearing for the petitioners would further 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 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 petitioners and others had held demonstration against the performance of the State Government and the police officials without getting any permission from the concerned officials. Hence, the case has been registered. 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.



Crl.O.P.(MD)No.1699 of 2025

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

Perused the materials on record.

6.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 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.**

7. In the result the Criminal Original Petition stands allowed and the proceedings in Cr.No.132 of 2024 on the file of the respondent police is hereby quashed not only against the petitioner but against all the other accused persons, who are also similarly placed. Consequently, connected miscellaneous petition is closed.

29.01.2025

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



Crl.O.P.(MD)No.1699 of 2025

To

1. The State of Tamil Nadu Rep. by,
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1699 of 2025

M.NIRMAL KUMAR,J.

PNM

ORDER IN
Crl.O.P.(MD)No.1699 of 2025
and Crl.M.P(MD) No.1183 of 2025

29.01.2025