



Crl.O.P.(MD)No.1819 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1819 of 2025

and

Crl.M.P(MD) Nos.1273 and 1275 of 2024

Ayyappan

.. Petitioner

Vs

1. The Inspector of Police
Rajakkamangalam Police Station
Kanyakumari District

2.Pratheep

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the entire records pertaining to the case in STC.No.1522 of 2023
on the file of the learned Judicial Magistrate No.I,Nagercoil,Kanyakumari
District and quash the same.

For Petitioner : Mr.B.Michael Sebastin

For Respondents : Mr.E.Antony Sahaya Prabahar
No.1 Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in STC.No.1522 of 2023 on the file of the learned Judicial Magistrate No.I,Nagercoil,Kanyakumari District

2. The case projected against the petitioners is that on 01.01.2023 at about 11.00 a.m., the petitioner along with other accused assembled in front of the Rajamamangalam road and created hindrance of traffic and general public and conducted protest against the police and revenue officials without getting permission from the concerned officials, hence a case was registered.

3. The contention of the petitioner is that the petitioner along with other accused have 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 going to their destination they intended and no untoward incident happened. The case projected against the petitioner is that had protest against the police and revenue officials. He would further submit that they conducted protest in



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the peaceful manner and they did not indulge in any violent activities had not violated the traffic regulations. 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 **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 conducted protest against the police and revenue officials without getting any permission from the concerned officials. . Hence the case has been registered and now charge sheet has been filed. 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.



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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 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 STC.No.1522 of 2023 on the file of the learned Judicial Magistrate No.I,Nagercoil,Kanyakumari District is hereby quashed not only against this petitioner but against all the other accused, who are also similarly placed. Consequently, connected miscellaneous petitions are closed.

30.01.2025

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

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1. The Judicial Magistrate No.I,Nagercoil,Kanyakumari District
2. The Inspector of Police
Rajakkamangalam Police Station
Kanyakumari District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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