



Crl.O.P.(MD)No.18247 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18247 of 2024

and

Crl.M.P(MD) No.11324 of 2024

1. Saipullakhan @ Mohamed Saifullah
2. Basir Ahamed @ Basheer Ahamed
3. Rabeek Raja
4. Abdul Kadar
5. Abdul Ajish @ Abdul Ajis
6. Ayub Alikhan
7. Zakir Ussain @ Zahir Hussain
8. Naina Mohamed
9. Jagangir @ Jakankirali
10. Mohamed Sabi @ Moahmed Safi
11. Kaja Nazumudeen @ Kaja Najumudeen
12. Shadik @ Sahufar Sadiq
13. Mohamed Kasim
14. Akkap Badusha @ Akbar Badusha
15. Nagur Meera @ Nagoor Meera
16. Abu Bakker @ Aboobacker
17. Ahamed
18. Sahul Hameed
19. Simma Khan
20. Abdul Rahuman Ali @ Abdul Rahman Ali
21. Moahmed Ashath @ Mohamed Azad
22. Ibrahim
23. Sabar Ali
24. Abdul Kala Ashath @ Abdul Kalam Asath
25. Khaja Nasumudeen @ Kaja Nagumuthin
26. Seiyadu Ibrahim @ Syed Ibrahim Ali
27. Tamim Ansari
28. Saiyadu Mohamed @ Syed Mohamed



Crl.O.P.(MD)No.18247 of 2024

29. Ravuthar Naina
30. Umar Muktar@ Umar Mukthar
31. Yasin Ahamed
32. Thiwan Mohamed @ Thiwan Mohamed
33. Abdul Rahuman
34. Seiyadu Abduthakir
35. Usman Ali
36. Akbar Bathursha @ Akbar Badhusa
37. Karthikeyan
38. Salman Paris
39. Khaja Maideen
40. Selvam Mohamed @ Selva Mohamed
41. Kadar Sulthan
42. Jamil Ahamed
43. Maideen Kadar @ Mohideen Kader
44. Seiyadu Malik @ Syed Maliq
45. Jabir Ashok
46. Sahith Ali @ Shaheed Ali
47. Umar
48. Saiyadu Ibrahim
49. Jamal Mugaideen @ Jamal Mohideen
50. Sheck Alam
51. Sahul Hameed
52. Thasudeen @ Thajuteen
53. Sahabudeen
54. Jabarullahkhan
55. Abdul Nisthar
56. Mohamed Yasir @ Mohamed Yaseen
57. Pandi
58. Habipullakhan @ Habibullakhan
59. Rahamadulla
60. Seiyadu Mohamed
61. Seiyadu Abuthahir
62. Aspullakhan Seiyadu
63. Abbas Ali
64. Sheck Moideen
65. Mohamed Irfan
66. Meerakani @ Meeran Gani
67. Saiyadu Bose@ Syed Bose
68. Kadar @ Kader



Crl.O.P.(MD)No.18247 of 2024

69. Mohamed Ussain @ Mohamed Hussain
70. Bajith Ahamed @ BasithAhamed
71. Sulthan Alavudeen
72. Absul Ajish
73. Sikkandar Basha @ Siccanker Batcha
74. Sahul Hameed
75. Khaja Maideen
76. Satham Ussain @ Mohamed Satham Hussain
77. Sulthan
78. Saiyadu Kasim @ Syed Kasim
79. Abdul Lathip
80. Mister Alikhan
81. Samsudeen @ S.K.Samsudeen
82. Mohamed Ali
83. Tamim @ Thameem Nizar
84. Mohamed Azarudeen
85. Hasik Ali
86. Jamim
87. Abdul Rajith
88. Ravuthar Naina
89. Seiyadu Mohamed @ syed Mahabu Subuhany
90. Mohamed Havush
91. Mohamed Havush
92. Hadar Mugaideen
93. Abdul Jabbar
94. Mohamed Jamim
95. Ayub Ali
96. Mohamed Akbar Ali
97. Seiyadu Abupakkar @ Syed Abubacker
98. Askar Ali
99. Halipathullah @ Halivuthullah
100. Abdul Kadar @ AbdulKader
101. Malik
102. Mohamed Baisal @ Mohamed Faisal
103. Mustappa
104. Ibrahim
105. Towvulath Mohamed @ Thoulath Mohamed
106. Sownthirapandian @ Soundarapandian
107. Sahapudeen
108. Kadar Ibrahim



Crl.O.P.(MD)No.18247 of 2024

109. Mohamed Hathi
110. Mirsha @ Mirza
111. Asan
112. Rabeek Raja
113. Amjath
114. Baruk
115. Abuthahir @ Syed Abuthahir

.. Petitioners

Vs

1. The Inspector of Police
Ilaiyangudi Police Station
Sivagangai District

2. Karthikeyan
Village Administrative Officer
No.17, Ilaiyangudi North Group
Ilaiyangudi Taluk
Sivagangai District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned charge sheet in STC No. 68 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyankudi, Sivagangai district in Crime No. 133 of 2022 on the file of the first respondent police and quash the same as illegal.

For Petitioner s : Mr.J.Lawrance

For Respondents : Mr.K.Sanjai Gandhi
No.1 Government Advocate(Crl.Side)



Crl.O.P.(MD)No.18247 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the proceedings in STC No. 68 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyankudi, Sivagangai district

2. The case projected against the petitioners is that the petitioners along with other accused on 31.05.2022 at about 11.30 a.m., unlawfully assembled together near town panchayat office and opposed the construction of new bus stand at Ilaiyangudi, 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.133 of 2022 for the offences under Sections 143,283,290,291 and 341 of IPC against the accused persons.

3. The contention of the petitioners 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 petitioners herein in the final report and complaint has been received from any public that the petitioners obstructed the free flow of traffic and further no untoward



incident happened. 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 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 petitioners and the learned Additional Public Prosecutor appearing for the respondent.

6. Perused the materials on record



Crl.O.P.(MD)No.18247 of 2024

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. 68 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyankudi, Sivagangai district not only against the petitioners but against all the other accused, who are also similarly placed. Consequently, connected miscellaneous petition is closed.

08.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav



Crl.O.P.(MD)No.18247 of 2024

To

1. The District Munsif cum Judicial Magistrate,
Ilaiyankudi, Sivagangai district
2. The Inspector of Police
Ilaiyangudi Police Station
Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.18247 of 2024

M.NIRMAL KUMAR,J.

aav

Crl.O.P.(MD)No.18247 of 2024

08.01.2025