



Crl.O.P.(MD)No.22460 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22460 of 2024

and

Crl.M.P.(MD)No.14019 of 2024

Mohamed Ali Jinna

... Petitioner

Vs.

1.State of Tamil Nadu,
State through the Inspector of Police,
Melur Police Station,
Crime No.587 of 2022,
Madurai District.

2.R.Jaya Gajendran

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records in Crime No.587 of 2022 dated 06.10.2022 pending on the file of the first respondent police and to quash the same insofar as against the petitioner/accused No.31.

For Petitioner

: Mr.S.Sinduja

For R1

: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

The petitioner is the accused in Crime No.587 of 2022 under

Section 151 Cr.P.C., has filed this quash application.



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2.The case of the petitioner and 51 others is that on 06.10.2022 at about 17.30 hours, the second respondent along with his police team were on patrol and keep on watching against the SDPI party people, who proposed to hold a protest. The police had informed that without permission, no protest can be held. Defying the same, the petitioner and other accused persons came from Trichy, Perambalur and Thiruvaiyaru were attempting to enter into the four way road and thereby, cause disturbance to the traffic and inconvenience to the public. As a precaution measure, they were arrested and removed from the place of protest.

3.The contention of the petitioner is that the name of the petitioner and others have been randomly recorded without any verification. The case is that 57 persons have attempted to conduct protest. There were no details in FIR about the fact that at which point they attempted to enter into bypass road and how they were stopped. Since the petitioner belongs to SDPI party and they raised objection for banning SDPI party, the petitioner and other accused persons have been arrested in this case. The learned counsel produced the order passed in Crl.O.P.(MD)No.5263 of 2019, wherein this Court by an order dated 23.04.2019 had held that



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“inasmuch as Section 151 of Cr.P.C., is not a penal provision, no case can be registered. Secondly, on the expiry of 24 hours the proceeding dies on its own.” Further, the learned counsel for the petitioner relied upon the judgment of this Court in Crl.M.P.No.17219 of 2019 dated 03.07.2019, in which also, this Court had quashed the proceedings on similar ground and hence, the present case has to be quashed.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner and other accused persons had attempted to get into the 4 way lane on the main road and hold a protest and stop the movement of the vehicles. The respondent police in a swift manner had arrested the petitioner and other persons and removed them from the place. Later, they have been let out on bail. He fairly submitted that Section 151 Cr.P.C., is only for limited purpose of arrest and detention for a limited period of 24 hours.

5.Considering the submissions and materials placed before this Court, it is seen that Section 151 Cr.P.C., has no penal provision and further it expires within 24 hours of the initiation of the proceedings, the case has been registered as against the petitioner and other accused persons.



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6.In view of the above, this Court finds that nothing survives in the FIR filed as against the petitioner and other accused persons. Accordingly, this Criminal Original Petition is allowed and the case in Crime No.587 of 2022 dated 06.10.2022 is quashed as against the petitioner and also as against the similarly persons. Consequently, connected miscellaneous petition is closed.

08.01.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Inspector of Police,
Melur Police Station,
Crime No.587 of 2022,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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