



Crl.O.P.(MD)No.10 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.10 of 2025

and

Crl.M.P(MD) Nos.20 and 22 of 2025

1.Aasith
2.Nizarahamed
3.Thanish Navabalkhan
4.Sheikali

.. Petitioners

Vs

1.The State of Tamil Nadu rep.by
The Inspector of Police,
Thilagar Tidal Police Station,
Madurai.
(Crime No.85 of 2022)

2.S.Saravanan

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the charge sheet in S.T.C.No.3282 of 2023 on the file of the learned Judicial Magistrate-II, Madurai and quash the same as illegal sofar as the petitioners are concerned.

For Petitioner : Mr.A.Mohamed Yusuf

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.3282 of 2023 on the file of the learned Judicial Magistrate-II, Madurai.

2. The case projected against the petitioners is that the petitioners along with other accused persons on 04.02.2022 at about 17.00 hours, near Eastern Gate of Railway Station, Madurai, assembled and raised slogans against the Governor of Tamil Nadu to cancel NEET without getting any prior permission from the authorities concerned, 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.85 of 2022 for the offences under Sections 143, 283 and 290 of IPC against the accused persons. After investigation, charge sheet was also filed in S.T.C.No.3282 of 2023 against the petitioners and other 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 no complaint has been received from any public that the petitioners obstructed the free flow of traffic and further, no untoward incident had 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 police.



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6. Perused the materials on record

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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. 3282 of 2023 on the file of the learned learned Judicial Magistrate-II, Madurai is quashed not only against the petitioners but also as against all the other accused persons, who are also similarly placed. Consequently, connected miscellaneous petitions are closed.

06.01.2025

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

- 1.The Inspector of Police,
Thilagar Tidal Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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