

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.NO.16328 OF 2020

Mohammed Ali

.. Petitioner

Vs.

1. The State rep. by its
Commissioner of Police,
Vepery, Chennai.

2. The State rep by its
Additional Commissioner of Police,
North Zone,
Chennai.

3. The State rep by its
The Inspector of Police,
H5 Police Station,
Chennai.

.. Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent authority to give police protection for conducting welfare programmes at Cheriyan Nagar to the poor and needy scheduled on 18.10.2020, 21.10.2020, 22.10.2020, 23.10.2020, 24.10.2020, 25.10.2020, 28.10.2020, 29.10.2020, 02.11.2020 and 03.11.2020 by considering the petitioner's representation dated 03.10.2020.

For Petitioner : Mr.M.Mohamed Riyas

For Respondents : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

(This case has been heard through video conferencing)

This Criminal Original Petition has been filed seeking direction to direct the respondents authority to give police protection for conducting welfare programmes at Cheriyan Nagar to the poor and needy scheduled on 18.10.2020, 21.10.2020,

22.10.2020, 23.10.2020, 24.10.2020, 25.10.2020, 28.10.2020, 29.10.2020, 02.11.2020 and 03.11.2020 by considering the petitioner's representation dated 03.10.2020.

2. Heard Mr.M.Mohamed Riyas, learned counsel for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondents police.

3. It is the case of the petitioner that the petitioner herein is the District President of Tamilnadu Muslim Munnetra Kazhagam which was an unregistered party and started before 25 years. The objective of the said Kazhagam is to protect the rights of the Muslim community in a democratic manner. One of the such activities is to conduct welfare programmes for the poor and needy people. Only in the course of said activities, the petitioner planned to conduct the welfare programmes. In the said circumstances, for conducting the said programmes, police protection is necessary.

4. Though the prayer sought for by the petitioner is for the welfare of the poor and needy people, now all are aware that due to Covid-19 Pandemic, the entire nation was suffered. In order to save the people, the Government promulgated 144 Cr.P.C proceedings and the same is still in force. In fact, under the above said provision, the people are prohibited to assemble in a particular place. Therefore, in the said circumstances, this Court is not in a position to pass a positive order in favour of the petitioner after following the norms prescribed under section 144 Cr.P.C.

Accordingly, this is not a time to consider the prayer sought for by the petitioner and therefore, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to approach this Court after lifting of 144 Cr.P.C. proceedings and other measures which directed the people for not to assemble in a particular place.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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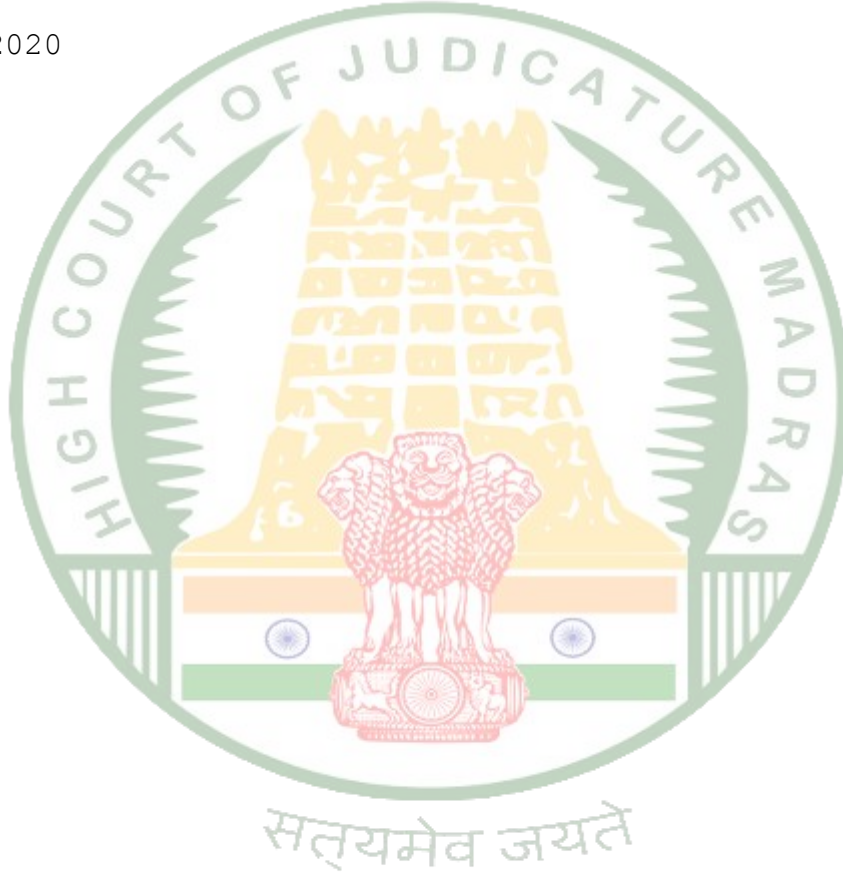
To

1. The Commissioner of Police,
Vepery, Chennai.

2. The Additional Commissioner of Police,
North Zone, Chennai.
3. The Inspector of Police,
H5 Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.16328 of 2020

GJ(CO)
CS/10/11/2020



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