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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD)No.11836 of 2020

and

Crl.M.P. (MD)No.5444 of 2020

1.Mohamed Sikham

2.Mohamed Nasurudeen

... Petitioners

Vs

1.The State represented by
the Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.363 of 2020)

2.Selvakumar

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.363 of 2020 on the file of the first respondent and quash the same as illegal so far as the petitioners are concerned.

For Petitioners : Mr.K.Navaneetharaja

For R1 : Ms.S.E.Veronica Vincent
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioners are the office bearers of a political party. They are figuring as accused in Crime No.363 of 2020 registered on the file of the first respondent for the offences under Sections 143, 341, 283, 290 and 150 of IPC.

3.The case of the prosecution is that on 26.02.2020, without getting permission, the petitioners and others had held a meeting condemning the amendment made to the citizenship laws. It is not in dispute that no violence was committed. Excepting the fact that there was an unlawful assembly of a persons, nothing untoward has occurred.

4.Therefore, I am of the view that the continuance of the impugned prosecution is not warranted. In this view of the matter, the impugned FIR is quashed. This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non



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petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

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Sub Assistant Registrar(CS)

rmi

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

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SSS (CO)
AP (05/11/2020) 2P 3C