

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2228 of 2021
and Crl.M.P Nos.1218 & 1220 of 2021

1. Sanaulah
 2. Anwar
 3. Askar Hussain
 4. Jawaharulla
 5. Abdul Fayaz
 6. Mohammed Rafic
 7. Fazil
- ... Petitioners

vs.

1. State rep. by
The Inspector Of Police,
Thirupathur Town Police Station,
Salem & District.
(FIR Cr.No.26/2020 Dated 17.01.2020)

2. Raman
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the in Final report / Charge sheet in CC.No.92 of 2020 on the file of Judicial Magistrate-1, Thirupathur and quash the same.

For Petitioners : Mr.A.Mohammed Sayeed

For R1 : Mr.C.Raghavan
Government Advocate

ORDER

By consent of both sides, this criminal original petition is taken up for final disposal.

2.This petition has been filed to quash the proceedings in CC No.92 of 2020 on the file of the learned Judicial Magistrate-1, Thirupathur.

3.The respondent police filed a final report as against seven accused persons for offences under Sections 143, 188, 153A, 505(1) (b) and 505(1) (c) of IPC

4.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent.

5.The case of the prosecution is that the petitioners had joined a unlawful assembly and had conducted a protest against the Citizenship Amendment Bill. Initially an FIR was registered under Sections 143 and 188 of IPC. When the final report was filed, the other offences have been added.

6.Insofar as the offences under Sections 143 and 188 IPC is concerned, the Court below went wrong in taking cognizance of the offence and the issue is squarely covered by the reported Judgment of this Court in 2018 2 LW (Crl) 606 [Jeevanandham and others Vs. State Rep. by Inspector of Police and another].

7.Insofar as the other offences are concerned, there is neither any allegation in the final report nor any witness has spoken about the petitioners uttering any word which will attract those offences. There are no materials to sustain the final report filed against the petitioners and the continuation of trial against the petitioners will be an abuse of process of Court and the same requires the interference of this Court under Section 482 Cr.P.C. In the result, the proceedings in CC No.92 of 2020 on the file of the learned Judicial Magistrate-1, Thirupathur is quashed.

8. Accordingly, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Judicial Magistrate No.I,
Thirupathur.
2. The Inspector Of Police,
Thirupathur Town Police Station,
Salem & District.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.J.Prakasam, Advocate Sr.8303

Crl.OP No.2228 of 2021
and Crl.M.P Nos.1218 & 1220 of 2021

ssi[col]
srg 09/03/2021

WEB COPY