

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.02.2021
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.2602 of 2021
and
Crl.M.P.Nos.1424 & 1425 of 2021

1.Sanaullah
2.Anwar Basha
3.Masood Ahammed
4.Masood
5.Askar
6.Sadiq Basha
7.Aslam Basha
...Petitioners

Vs.

1. State Rep by its
Inspector of Police
Thirupathur Town Police Station
FIR, Cr.No.66 of 2020
dated 15.02.2020)
2. Raman
...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the final report/charge sheet in C.C No.73 of 2020, on the file of the Judicial Magistrate No.I, Thirupathur and quash the same.

For Petitioners : Mr.A.Mohammed Sayeed
For Respondents : Mr.C.Raghavan for R1
Government Advocate(Crl. Side)

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 C.C No.73 of 2020 on the file of the learned Judicial Magistrate No.I, 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 (Criminal Side), appearing on behalf of the 1st respondent.

5. The case of the prosecution is that the petitioners had joined an 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 (Cr1) 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.

8. In the result, the proceedings in C.C No.73 of 2020 on the file of the learned Judicial Magistrate No.I, Thirupathur, is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.A.Mohammed Sayeed, Advocate, S.R.No.8650.

Cr1.O.P.No.2602 of 2021
and Cr1.M.P.No.1424 & 1425 of 2021

SMI (CO)
CSR 30.03.2021