

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

Coram

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5565 of 2021
and Crl.M.P.No.3583 of 2021

1. Gold Rafi @ Syed Rafi Basha
2. Lathifulla @ Mohamed Lathifulla ...Petitioners

Versus

The State represented by its
Sub-Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
(Crime No.120/2020) ... Respondent/Complainant

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records relating to the case in Cr.No.120 of 2020 on the file of the respondent herein and quash the same.

For Petitioners : Mr.A.Raja Mohamed
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

On consent given by either side, the main petition itself has been taken up for final hearing.

2. This petition has been filed seeking to quash the proceedings in Cr.No.120 of 2020 on the file of the respondent herein.

3. The case of the prosecution is that the petitioners had formed into an unlawful assembly and were making a protest against the amendment to the Citizenship Act.

4. An FIR came to be registered for the offences under Section 143 and 188 of IPC and Section 41(VI) of TNCP Act.

5. Heard Mr.A.Raja Mohamed, learned counsel for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent.

6. In the considered view of this Court, the protest made by the petitioners against the policy decision taken by the Government does not make out any offence against them. That apart, the State Government itself has taken a decision to withdraw all the cases against the protesters of the amendment to the Citizenship Act if it did not involve any violence. In the present case, there is absolutely no violence alleged against the petitioners.

7. In view of the above, the continuation of the proceedings against the petitioners will be an abuse of process of Court and accordingly, the FIR in Crime No.120 of 2020 on the file of the respondent herein is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RLI

To

1. The Sub-Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Raja Mohamed, Advocate, S.R.No.18225

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PMK (CO)
TE (21/04/2021)