

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 22.03.2021
Coram
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.5535 of 2021
and Crl.M.P.No.3564 of 2021

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

...Petitioners/Accused

Versus

1. The State represented by its
Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.

... Respondent/Complainant

2. The Sub Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
(Crime No.144 of 2020)

Respondent/Defacto 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.144 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.144 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, 145, 147, 151, 290 and 341 of IPC and Section 41 (VI), 71(A)(i) of TNCP Act and Section 4A(1b) of TNOPPD Act, 1959.

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 respondents.

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.144 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 Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
2. The Sub Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Raja Mohamed, Advocate Sr.No.18226

Crl.O.P.No.5535 of 2021
and Crl.M.P.No.3564 of 2021

GPI(CO)
NR 20/04/2021

WEB COPY