



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9265 of 2022

and

Cr1.M.P.No.5399 of 2022

Syed Ahamed

... Petitioner/Accused

Vs.

The State Represented by:-

The Inspector of Police,

T-4, Madhuravoyal Police Station,

Anna Nagar.

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to call for the records and quash the proceedings as against the petitioners in Crime No.1593 of 2020, pending on the file of the respondent.

For Petitioner : Mr.H.Thameen Ansari

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking to call for the records and quash the proceedings as against the petitioners in Crime No.1593 of 2020, pending on the file of the respondent.

2. The case of the prosecution is that on 06.12.2020, around 10.30 a.m., the respondent police, during the patrol checkup, found that people belonging to SDPI party, headed by the petitioner, had protested against demolition of Babri Masjid and raised slogans without any permission during the Covid-19 lockdown period and thereby, causing hindrance to the traffic and the public. A suo moto case has been registered in Crime No.1593 of 2020 against the petitioner and others for the offences under Sections 143 and 341 of IPC. The said Criminal Proceedings is under challenge in this Criminal Original Petition.



3. The learned counsel appearing for the petitioner would submit that the facts of the case are similar to the case covered in the decision reported in 2018 2 LW (Cr1) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in the case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Cr1.O.P(MD) No.7922 of 2019 dated 30.08.2019.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondent would submit that the facts of the case are similar to the facts covered under the Judgment referred above.

5. Heard the learned counsel and perused the materials available on record.

6.The facts of this case is similar to the facts covered by the Judgment of this Court reported in 2018 2 LW (Cr1) 606 [Jeevanandham and others Vs The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in the case of Sri Raja Vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in Cr1.O.P(MD) No.7922 of 2019 etc batch dated 30.08.2019.

7. Further, Section 143 of IPC defines punishment as under:-

''143. Punishment -

Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extent to six months, or with fine, or with both.''

8. The expression "unlawful assembly" is defined in Section 141 of IPC and any member of the said unlawful assembly is punishable under Section 143 of IPC. If the object of the assembly is not unlawful, the Act cannot attract Section 141 of IPC. Thereby any person forming such assembly cannot neither be convicted under Section 143 of IPC nor can be convicted either under Section 147 or Section 149 of IPC.

9. In view of the above, this Court is of the opinion that no useful purpose will be served by allowing the proceedings in Crime No.1593 of 2020 to be continued against the petitioner and other accused also.



10. Accordingly, the Criminal Original Petition stands allowed and considering the facts and submissions, the proceedings in Crime No.1593 of 2020, pending on file of the respondent police is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rgi
To

1. The Inspector of Police,
T-4, Madhuravoyal Police Station,
Anna Nagar.
2. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.H.Thameen Ansari, Advocate Sr.NO. 29776

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and Cr1.M.P.No.5399 of 2022

AJS(CO)
A.SK(17/05/2022)