



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.05.2022

CORAM

WEB COPY THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P No.11239 of 2022
and
Crl.M.P.No.6466 of 2022

- 1.Muhamed Ikbal
- 2.Sowkath Ali
- 3.Muhamad Faruk
- 4.Jameer Batcha
- 5.Kadhar Moideen .. Petitioners/4,7,12,21 and 22 Accused
vs.

1. State rep by its
The Sub Inspector of Police,
Perambalur Police Station,
Perambalur.
(Cr.No.777 of 2019)

- 2.Karthikeyan ..Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Cr.No.777 of 2019 on the files of the first respondent herein and quash the same as illegal and without jurisdiction.

For Petitioners : Mr.I.Abdul Basith

For Respondents : Mr.A.Damodaran for R1,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition is to call for the records on the file of the first respondent relating to Crime No.777 of 2019 and quash the same.

2. The said FIR is registered for the offences under Sections 143, 341 and 285 of IPC which is relating to a democratic protest conducted by the petitioner and others on 10.12.2019.



3. The learned counsel for the petitioners would submit that on identical facts and circumstances in CrI.O.P.No.17903 of 2021 by order dated 07.10.2021, this Court elaborately considered the nature of offences and the democratic right to protest, had come to the conclusion that permitting the continuation of investigation against the petitioners would amount to abuse of process of law and quashed the FIR.

4. The learned Additional Public Prosecutor would fairly submit that the said Judgment would apply in all forces in the present case also.

5. Accordingly, following the dictum laid down in CrI.O.P.No.17903 of 2021 dated 07.10.2021 passed by this Court, the FIR in Crime No.777 of 2019 on the file of the first respondent shall stands quashed and the Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

shk/kp
To

1. The Sub Inspector of Police,
Perambalur Police Station,
Perambalur.

2. The Public Prosecutor,
Madras High Court.

+1 cc to Mr.I.Abdul Basith, Advocate Sr.NO. 31870
CrI.O.P No.11239 of 2022
and
CrI.M.P.No.6466 of 2022

SRA(CO)
A.SK(31/05/2022)