IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.11659 of 2022

Gayathri Karthday ...Petitioner / Accused No.1

Vs.

1.The State, Rep. by
The Sub Inspector of Police,
F3, Nungambakkam Police Station,
Valluvar Kottam High Road,
Ponnangipuram, Nungambakkam,
Chennai – 600 034. ...1st Respondent / Complainant
(Crime No.21 of 2020)

2.Vinoth Kumar
The Sub Inspector of Police,
F3, Nungambakkam Police Station,
Valluvar Kottam High Road,
Ponnangipuram, Nungambakkam,
Chennai – 600 034. ...2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.2520 of 2020 pending on the file of the learned XIV Metropolitan Magistrate's Court, Egmore, Chennai, quash the same.

For Petitioner : Mr.B.Poongkhulali

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to quash the proceedings in C.C.No.2520 of 2020 on the file of the learned XIV Metropolitan Magistrate's Court, Egmore, Chennai.

2.The respondent police filed the final report before the Court below against the petitioners for the offences under Sections 143 of IPC, Section 41(6) of the Madras City Police Act, 1888 and Section 151 of Cr.P.C.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing on behalf of the respondent.

4.It is seen from the allegations made in the final report as well as the statements recorded from the witnesses that there was a wide spread protest against the Amendment of the Citizenship Act in which the petitioners have also participated. It is also seen that the petitioners have not indulged in any violent activities. The State Government has also taken a policy decision to withdraw all those cases involving the protesters against the Amendment of the Citizenship Act.

5.Under similar circumstances, this Court in Mohamed Rabik and others vs. State Rep.by its The Inspector of Police, Selvapuram Police Station, Coimbatore and other in Crl.O.P.17903 of 2021 had held that the continuing of investigation/ prosecution in respect of such democratic protest would amount to abuse of process of law. As a matter of fact, the learned Government Advocate has no answer for the said legal position and dictum which is followed in all similar cases.

6.In view of the above, no useful purpose will be served in keeping the proceedings pending.

7.In the result, the proceedings in CC No.2520 of 2020, pending on the file of the learned XIV Metropolitan Magistrate's Court, Egmore, Chennai is hereby quashed and the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar /
Vacation Officer

// True Copy //

Sub Assistant Registrar

ssr/bkn

To

1.The XIVth metropolitan Magistrate Court,
Egmore, Chennai.

2.The State, Rep. by
The Sub Inspector of Police,
F3, Nungambakkam Police Station,
Valluvar Kottam High Road,
Ponnangipuram, Nungambakkam, Chennai - 600 034.
(Crime No.21 of 2020)

3.The Public Prosecutor,
  High Court, Madras.

Crl.O.P.No.11659 of 2022

SSV(CO)
RVM(02/06/2022)