



WEB COPY



Criminal Original Petition No.20215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20215 of 2023

and

Crl.M.P.Nos.13764 & 13765 of 2023

Nellai Mubarak @ Mohamed Mubarak
S/o.Shahul Hameed

...Petitioner

Vs

State represented by
Sub-Inspector of Police,
B1, North Beach Police Station,
Chennai.
Crime No.12 of 2022

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in C.C.No.1682 of 2022 on the file of Metropolitan Magistrate VII, George Town and quash the same.

For Petitioner : Mr.A.Rajamohamed

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



Criminal Original Petition No.20215 of 2023

ORDER

WEB COPY This Criminal Original Petition has been filed challenging the proceedings in C.C.No.1682 of 2022 on the file of Metropolitan Magistrate VII, George Town, Chennai.

2. The case of the prosecution is that the accused persons had formed into an unlawful assembly and conducted a protest on 07.01.2022 at about 16.15 hours by raising slogans against sangparivar. This protest happened during the pandemic period. The protest also resulted in causing inconvenience to the general public and disruption in traffic. Based on the complaint, a First Information Report came to be registered in Crime No.12 of 2022. On completion of investigation, a final report has been filed before the Court below for offences u/s.143, 269 and 290 IPC, Section 3 of Epidemic Diseases Act, 1897, Section 4A(1b) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and Section 71A(1) of Tamil Nadu City Police Act, 1888.

3. Heard Mr.A.Rajamohamed, learned counsel for petitioner and



Criminal Original Petition No.20215 of 2023

Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

4. In the considered view of this Court, the protest conducted by the accused persons cannot be considered to be an unlawful assembly. That apart, the protest did not result in any violence and it had caused some inconvenience to the general public. The facts of the present case can be brought under Section 95 I.P.C.

In the light of the above, this Criminal Original Petition is allowed and the proceedings in C.C.No.1682 of 2022 on the file of Metropolitan Magistrate VII, George Town, Chennai, is hereby quashed in its entirety. Consequently, connected miscellaneous petitions are closed.

13.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J



WEB COPY



Criminal Original Petition No.20215 of 2023

gm

To

- 1.The Metropolitan Magistrate VII,
George Town, Chennai.
- 2.The Sub-Inspector of Police,
B1, North Beach Police Station,
Chennai.
Crime No.12 of 2022
- 3.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.20215 of 2023

13.09.2023