



Crl OP (MD)No.1404 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl OP(MD)No.1232 of 2024
and Crl.(MP).Nos.841 and 842 of 2024

G.Thalapathi

... Petitioner/Accused No.1

.Vs.

1.State rep.by

The Inspector of Police
Subramaniyapuram Police Station
Madurai City
Madurai District.
(Crime No.6909 of 2019)

..1st Respondent/ Complainant

2.S.Thamburaj

Sub Inspector of Police
Subramaniyapuram Police Station
Madurai City
Madurai District.

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and quash the proceedings in C.C.No.852 of 2021 on the file of the learned Judicial Magistrate No.I, Madurai, Madurai District as against the petitioner herein.

For Petitioner : Mr.S.T.Raja

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

This petition has been filed challenging the proceedings in C.C.No.852 of 2021, pending on the file of the learned Judicial Magistrate No.I, Madurai, Madurai District.

2.The petitioner, who is arrayed as A1 has filed this quash petition. The case of the prosecution is that the accused persons belonging to a political party had formed into an unlawful assembly on 17.2.2019 and protested from 10.30 am., to 11.30 am., and raised slogans against the Union Government and the State Government agitating the amendment that was carried out to the Citizenship Act. Based on the complaint given by the 2nd respondent, FIR came to be registered in Crime No.690 of 2019. After the completion of investigation, final report has been filed before the Court below and it has been taken on file in CC.No.852 of 2021, for offence under Sections 143, 283, 290 IPC and Section 71A (1) and 73 of the Tamil Nadu City Police Act, 1888.

3.Heard Mr.S.T.Raja, learned counsel for the petitioner and Mr.K.M.D.Muhilan, learned Government Advocate (Crl.Side) for the respondent.

4.It is not necessary for this Court to go into the allegations made in the final report since the Government had taken a decision to withdraw all the cases



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pertaining to the CAA protest. G.O.Ms.No.368, dated 04.09.2021 was passed in this regard. Taking into account the said Government order, the continuation of the criminal proceedings will only be an abuse of process of Court which requires the interference of this Court.

5.In the light of the above discussion, the proceedings in C.C.No.852 of 2021 on the file of the learned Judicial Magistrate No.I, Madurai, Madurai District, is quashed in its entirety for all the accused persons and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

02.02.2024

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No

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To

1 The Inspector of Police
Subramaniyapuram Police Station
Madurai City, Madurai District.

2.S.Thamburaj
Sub Inspector of Police
Subramaniyapuram Police Station
Madurai City, Madurai District. .

3.Judicial Magistrate No.I,
Madurai, Madurai District.

4.The Public Prosecutor
Madurai, Madras.

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N.ANAND VENKATESH, J

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