



Crl.O.P.No.5441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5441 of 2025
and Crl.M.P.No.3508 of 2025

1. Mohammed Arifulla
2. Syed Nayamuthulla
3. Basheer Mohammed @ Vannai Bashir
4. Syed Rafi Basha @ Gold Rafi
5. Dasthageer
6. Mohammed Ali @ Mechanic Ali
7. Ejas
8. Mubeena Banu
9. Shahin
10. Nasar Basha
11. Mupthi Mujahadhul Islam Kasim

... Petitioners

Vs

The Inspector of Police,
H1, Washermenpet, Police Station,
Chennai – 600 021.
(Crime No.198 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the FIR Crime No.198 of 2020 on the file of Respondent police and quash the same.

For Petitioners : Mr.G.Mohan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)



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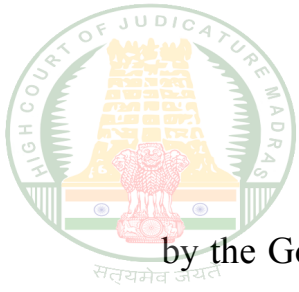
ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.198 of 2020 on the file of Respondent police.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The First Information Report has been registered as against the petitioners alleging that they have unlawfully assembled on 08.03.2020 at Kannan Roundana, Sajja Munusamy Street, VijayaRaghavalu Junction, Washermenpet, Chennai without any prior permission to protest against the Citizenship Amendment Bill, NPR, Demonetization and other issues.

4. It is seen that the respondent is both the informant and the Investigating Officer in this case. The informant should not serve as the Investigating Officer, as a fair investigation cannot be conducted by someone who is also a party to the complaint. A fair investigation is the cornerstone of a fair trial, and therefore, the informant and the Investigating Officer should not be the same person. That apart, the Citizenship Amendment Bill was withdrawn



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by the Government through G.O.(MS).No.368, Home (Courts-IV) Department,

dated 04.09.2021. Therefore, no purpose would be served in the First Information Report registered in Crime No.198 of 2020. In view of the above, the FIR in Crime No.198 of 2020 cannot be sustained and is liable to be quashed. Accordingly, the FIR in Crime No.198 of 2020 on the file of the respondent is hereby quashed.

5. With the above directions, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

26.02.2025
(2/4)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Inspector of Police,
H1, Washermenpet, Police Station,
Chennai – 600 021.

2. The Public Prosecutor,
High Court, Madras.

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