



CrI.O.P.No.14156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.14156 of 2025

and

CrI.M.P.Nos.9566 and 9572 of 2025

1. Dhehlan Bakavi @ Shiek Mohamed
2. Nellai Mubarak @ Mohamed Mubark
3. Ashath Ali

... Petitioners

Vs.

State represented by
Inspector of Police,
B-1, Police Station,
Chennai – 600 001,
Crime No.285 of 2019.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.227 of 2020 on the file of the VII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.A.Rajamohamed

For Respondent : Dr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition is filed to quash the proceedings in C.C.No.227 of 2020 on the file of the VII Metropolitan Magistrate Court, George Town, Chennai.

2. Learned counsel for the petitioners submitted that the petitioners are social activists and have been raising voice for the public cause and public welfare. In that way, on 09.08.2019, the petitioners herein participated in the demonstration, which was conducted as per the provisions of law and no hindrance had been occurred either to the public or to the transportation. He further submitted that there were lot of members involved in the said protest, however, the respondent/complainant, with a mala-fide intention, falsely implicated the petitioners in the case in Crime No.285 of 2019 and also filed the charge sheet against them.

3. Learned Government Advocate (Crl.Side) appearing for the respondent-Police, on instructions, submitted that, on 09.08.2019, while the respondent/complainant was in patrolling around 4.20 p.m., around



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138 members of SDPI party presided over by the petitioners herein and others, and protested near Paris Corner, N.S.C.Bose road junction against NIA [National Investigation Agency], UPA [Unlawful Activities (Prevention) Act, 1967] and Section 370 IPC. The respondent/complainant asked them to stop the said protest and disperse, but they refused to do so. When the protestors were creating hindrance to the public and transportation, the respondent/complainant arrested them and registered a case in Crime No.285 of 2019 for the offence under Sections 290 IPC read with Section 41 and Section 71A(1) of City Police Act and Section 4A(1a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and also filed a final report before the learned Metropolitan Magistrate – VII, George Town, Chennai. The learned Magistrate had taken cognizance of the case in C.C.No.227 of 2020.

4. Heard both sides and perused the materials available on record.

5. Admittedly, the respondent herein is the complainant, who had filed the case in Crime No.285 of 2019 against the petitioners alleging



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that the petitioners and others, protested near Paris Corner, N.S.C.Bose road junction and created hindrance to the public and transportation. As per the prosecution, in order to prevent deterioration of law and order problem, the respondent-Police arrested the petitioners and others and registered a case against them and also filed the charge sheet. If any law and order problem or hindrance and disturbance are caused to the public, they would give a complaint, but, in this case, no one has made any complaint, whereas, the respondent herein alone has filed the complaint against the petitioners and others.

6. Considering the facts and circumstances of the case and also considering the submissions of both sides, this Court is of the view that since continuance of prosecution is not warranted, the First Information Report and Final Report do not disclose any act of violence or happening of untoward incident, even though no public had filed any complaint against the petitioners and hence, the charge-sheet in C.C.No.227 of 2020 pending before the learned Metropolitan Magistrate-VII, George Town, Chennai, is hereby quashed.



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7. Accordingly, this Criminal Original Petition is allowed.

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Consequently, connected miscellaneous petitions are closed.

03.06.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
B-1, Police Station,
Chennai – 600 001.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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