



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.3550 of 2020 and

CRL.M.P. (MD)No.1902 of 2020

WEB COPY

T.Lajapathi Roy

(Wrongly mentioned as LajapathiRaj)

: Petitioner/Accused No.23

Vs.

1. The Sub Inspector of Police,
Thallakulam police station(L&O),
Madurai City, Madurai.
(Crime No.267 of 2020)

: Respondent No.1/Complainant

2. S.Karthic,
Sub Inspector of Police-7097,
Thallakulam police station,
Madurai City, Madurai.

: Respondent No.2/Defacto complainant

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.267 of 2020 dated 08.02.2020 on the file of the respondent No.1 for the offence under Sections 143, 341, 283 and 290 of Indian Penal Code, 1860 and quash the same as illegal as against the petitioner alone.

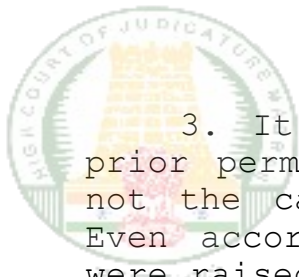
For Petitioner : Mr.Prabhu Rajadurai,
for Mr.S.Rajasekar.

For R-1 : M/s.S.E. Veronica Vincent,
Government Advocate(Crl.Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2. Crime No.267 of 2020 was registered on the file of the first respondent against as many as 26 persons for the offences under Sections 143, 341, 283 and 290 of I.P.C. The said First Information Report came to be registered in the wake of holding of Anti-Citizenship Amendment Act Protest on 08.02.2020 at about 10.00 a.m. in Goripalayam Pallivasal Street. The second respondent is the defacto complainant. The second respondent has stated that the persons named in the First Information Report along with a large number of persons had unlawfully assembled and raised slogans against the ruling parties and also condemned the recent amendments made to the Citizenship Laws.



3. It is true that the meeting was convened without getting prior permission from the concerned authorities. But then, it is not the case of the police that any untoward incident occurred. Even according to the prosecution, only some intemperate slogans were raised. The learned counsel appearing for the petitioner placed reliance on the decision reported in 2018-2-L.W.(Cr1.) 606 (*Jeevanandham and others Vs. State rep. by Inspector of Police*).

4. I am of the view that the said decision squarely covers the case on hand. Since no act of violence was committed, I am of the view that the impugned prosecution need not be kept alive.

5. In this view of the matter, the impugned First Information Report stands quashed. This criminal original petition stands allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Sub Inspector of Police,
Thallakulam police station(L&O),
Madurai City, Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-20403.

Cr1.O.P. (MD)No.3550 of 2020
15.10.2020

CK(CO)
CS(03.11.2020) 2P 4C