



WEB COPY

CrI.O.P.(MD)No.5669 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2020

CORAM:

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

CrI.O.P (MD)No.5669 of 2020

and

CrI.M.P. (MD)No.3108 of 2020

Ismailkhan

...Petitioner/Accused ranking not known

Vs

The Inspector of Police,  
Alwarkurichi Police Station,  
Tirunelveli District.  
(Crime No.199 of 2019)

...Respondent/Complainant

**PRAYER:** Petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to FIR in Crime No.199 of 2019 dated 18.08.2019 on the file of the respondent police and quash the same as against the petitioner as illegal.

|                |                                |
|----------------|--------------------------------|
| For Petitioner | : Mr.N.Syedali                 |
| For Respondent | : Mr.A.Robinson                |
|                | Government Advocate (CrI.side) |

**ORDER**

The petitioner is said to have been implicated as an accused in Crime No.199 of 2019 on the file of the respondent police for the offences under Sections 143 and 188 of IPC.

2.The case of the prosecution is that in violation of the prohibitory order, a group of persons had assembled to protest against the obliteration of Article 370 of the Constitution of India.

3.The petitioner states that he was not even present in the said gathering and that he came to know about his implication when he applied for issuance of pass port.

4.When the matter was taken up for hearing, the learned Government Advocate (CrI.side) states that the police intend to drop further action in the matter.

5.Be that as it may. It is not the case of the respondent that some violent activity was committed. After all a group of people assembled to voice their opposition to a governmental action. Protest is a part of democratic process. In as much as, no adverse consequence ensued, prosecution is not warranted.



6.I am of the view that keeping this FIR alive would not serve any purpose. In this view of the matter, FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,  
Alwarkurichi Police Station,  
Tirunelveli District.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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KB(10.06.2020) 2P 3C