



4. The learned Government Advocate (Crl.Side) would state that without any permission, the petitioner and others have staged demonstration at Manavalakurichi Bridge Kadiyapattinam in favour of missing fisherman due to Okhi cyclone and caused traffic congestion to the public. She would fairly state that no violence or untoward incident had taken place.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) for the 1st respondent.

6. If the assembly of persons were expressing dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a ordinary citizen, to be trifled by registering an FIR under Section 143 of IPC and filing a final report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution, which has been decided in the decision relied on by the petitioner reported in **2018 (2) K.W. (Crl) 606, Jeevanantham vs. State.**

7. On the allegation that the petitioner and others have staged a demonstration in favour of missing fishermen due to Okhi cyclone and caused traffic congestion to the public, the present FIR has been lodged against the petitioner and others. After investigation, charge sheet has also been filed. In my opinion, the offences are trivial in nature and no fruitful purpose will be served in allowing criminal proceedings to continue. The learned Government Advocate (crl. Side) has also stated that no violence or untoward incident had taken place and therefore, I am inclined to quash the Charge Sheet in STC No. 531 of 2018.

8. Accordingly, the impugned proceedings in S.T.C.No.531 of 2018, on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District, are quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

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 Judicial Magistrate, Eraniel, Kanyakumari District.
2. The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.

+1cc to Mr.J. Pandi Dorai, Advocate Sr.No.21847

Crl.O.P.[MD]No.5196 of 2020
10.11.2020

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