



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.12431 of 2020

and

Crl.M.P.(MD)No.5618 of 2020

Yasar Khan @ Yaser Khan

: Petitioner/Accused No.14

Vs

1. The State Represented by
The Inspector of Police,
Kadaiyanallur Police Station,
Tirunelveli District.
(In Crime No.104 of 2020)

: Respondent No.1/Complainant

2. Mr.Vijayakumar
Sub Inspector of Police,
Kadaiyanallur Police Station,
Tirunelveli District.

: Respondent No.2/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records pertaining to the impugned First Information Report in Crime No.104 of 2020, on the file of the respondent No.1 police station and quash the same as against the petitioner concerned.

For Petitioner : Mr.R.Karunanidhi
For R1 : Ms.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent.

2.This Criminal Original Petition has been filed to quash the impugned First Information Report in Crime No.104 of 2020, on the file of the respondent No.1 police station. The Second respondent/Sub Inspector of Police is the defacto complainant.

3.The gist of the First Information Report is that on 08.03.2020, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act). Hence, the first respondent police has registered Crime No.104 of 2020 on 08.03.2020.



4.The case of the respondent is that the petitioner by his acts had committed public nuisance. He had also caused interference with the free flow of general traffic.

5.Though, there are prima facie materials to justify the registration of the First Information Report, I am of the view that its continuance is not warranted. This is because no untoward incident had taken place. The country had witnessed protests all over by different sections of people against the said amendments. Since the protest was peaceful and even the First Information Report does not disclose any act of violence or happening of untoward incident, I am of the view that the continued prosecution is not warranted. Quashing the same will secure the ends of justice.

6. Hence, the First Information Report impugned in this petition stands quashed. The Criminal Original Petition stands allowed. The benefit of this order will enure not only for the petitioner but also the non-petitioning accused. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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 Inspector of Police,
Kadaiyanallur Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.12431 of 2020
and
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NA (CO)
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