



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRL.O.P.(MD)No.13601 of 2020

N.Sahulhameed

... Petitioner

vs.

1)The State Represented by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
(In Crime No.1236 of 2019)

2)Mrs.Kumari

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the impugned First Information Report in Crime No.1236 of 2019 on the file of Respondent No.1 Police Station and quash as against the petitioner concerned as illegal.

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

O R D E R

This Criminal Original Petition has been filed to call for the entire records pertaining to the impugned First Information Report in Crime No.1236 of 2019 on the file of Respondent No.1 Police Station and quash the same as against the petitioner concerned as illegal.

2.The allegation against the petitioner in the FIR is that the defacto complainant one Kumari who was working as Sub Inspector of Police in Thilagar Thidal Police Station alleged that the petitioner and others had conducted a demonstration on 31.12.2019 against the amendment of CAA (Citizenship Amendment Act) without permission.

3.The learned counsel for the petitioner would rely on the order passed in Crl.OP(MD)No.12438 of 2020 dated 05.11.2020 and would state that this Court in similar cases, quashed the similar FIRs and this Court has also stated that the benefit of the said order will enure not only to the petitioner therein but also to the non-petitioning accused and therefore, the learned counsel would pray for appropriate orders.

4.The learned Government Advocate(Crl.Side) would state that
<https://hcservices.ecourts.gov.in/hcservices/>



by his acts, the petitioner had committed public nuisance and he had also caused disturbance for free flow of traffic.

5.Though there are prima facie materials to justify the registration of the FIR, in my considered opinion, its continuance is not warranted since 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 FIR does not disclose any act of violence or happening of untoward incident, I am of the view that continued prosecution is not warranted. Therefore, quashing of the FIR will secure the ends of justice.

6.Accordingly, the impugned First Information Report in Crime No.1236 of 2019 on the file of Respondent No.1 Police Station, is quashed and this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

bala

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,
Thilagar Thidal Police Station,
Madurai District.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-23767[F] dated 03/12/2020)

ORDER MADE IN
Cr1.O.P.(MD)No.13601 of 2020
DATED : 02.12.2020

SJ(CO)

KM (10.12.2020) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>