



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P. (MD) No.12210 of 2020

and

Crl.M.P. (MD) Nos.5528 & 5529 of 2020

WEB COPY

Mohamed Ali

... Petitioner/Accused No.3

Vs.

1.The State Rep. By
The Inspector of Police,
Seydunganallur Police Station,
Tuticorin District.
(In Crime No.52 of 2020)

2.Santhanakumar
S/o.(Not Known),
Village Administrative Officer,
Seydunganallur,
Tuticorin District.

... Respondents

PRAYER: Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the final report in STC.No.145 of 2020 on the file of the learned Judicial Magistrate, Srivaikundam field u/s 143, 283 & 290 IPC and Section 75 of the Juvenile Justice Act and quash the same as illegal as against this petitioner.

For Petitioner : Mr.S.A.S.Alaudeen

For R1 : Ms.S.E.Veronica Vincent,
Government Advocate.

O R D E R

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

2.This Criminal Original Petition has been filed to quash the final report in STC.No.145 of 2020 on the file of the learned Judicial Magistrate, Srivaikundam. The second respondent / Village Administrative Officer is the de-facto complainant.

3.The gist of the final report is that on 09.03.2020, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) and NRC (National Register Citizenship).

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. The ingredients of the other



occurrences to constitute the offences as stated by the prosecution is also missing in the charge sheet.

5. Though, there are *prima facie* materials to justify the filing the final 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 final 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 final 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 petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Gns

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,
Seydunganallur Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.12210 of 2020
11.12.2020

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