



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD) No.12215 of 2020

and

Crl.M.P(MD) Nos.5532 & 5533 of 2020

Umar Jaman

... Petitioner/Accused No.2

Vs.

1. The State Represented by
The Inspector of Police,
Seydunganallur Police Station,
Tuticorin District,
(In Crime No.53 of 2020

2. Santhanakumar
Village Administrative Officer,
Seydunganallur,
Tuticorin District.

... Respondents/Complainants

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the Final Report in STC No.146 of 2020, on the file of the learned Judicial Magistrate, Srivaikundam under Sections 143, 283 & 290 IPC and Section 75 of Juvenile Justice Act and quash the same as illegal as against the petitioner.

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

For R-1 : Mr.V. Neelakandan

Additional Public Prosecutor (Crl. Side)

ORDER

Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Criminal side) appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the Final Report in STC No.146 of 2020, on the file of the learned Judicial Magistrate, Srivaikundam registered under Sections 143,283 & 290 IPC and section 75 of Juvenile Justice Act. The second respondent / Village Administrative Officer is the de-facto complainant.



3. The gist of the First Information Report is that on 10.03.2020 at about 6.00 p.m, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act), NRC (National Register Citizenship) and NPR.

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 and subsequent registration of the case in STC.No.146 of 2020, 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 proceedings in STC No.146 of 2020 will secure the ends of justice.

6. Hence, the case in STC No.146 of 2020 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 (RTI)

// 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,
Seydunganallur Police Station,
Tuticorin District.

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



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

WEB COPY

Crl.O.P(MD) No.12215 of 2020

and

Crl.M.P(MD) Nos.5532 & 5533 of 2020

04.12.2020

ARK(CO)

CS(30.12.2020) 3P 3C