



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.12202 of 2020

and

Crl.M.P. (MD)Nos.5523 & 5525 of 2020

WEB COPY

Thameem Ansari

...Petitioner/Accused No.5

Vs

1.The State Represented by
The Inspector of Police,
Seydunganallur Police Station,
Tuticorin District.
(In Crime No.54/2020)

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

...Respondents/Complainants

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records pertaining to the Final Report in STC No.147 of 2020, on the file of the 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.

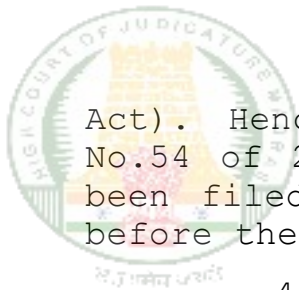
For Petitioner : Mr.S.A.S.Alaudeen
For R1 : Ms.S.E.Veronica Vincent,
Government Advocate (Crl. Side).

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 Final Report in STC No.147 of 2020, on the file of the learned Judicial Magistrate, Srivaikundam filed against the petitioner for the alleged offences under Sections 143,283 & 290 IPC and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015.The Second respondent/Village Administrative Officer is the defacto complainant.

3.The gist of the First Information Report is that on 11.03.2020, 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.54 of 2020 on the same day and subsequently charge sheet has been filed and now the case in S.T.C.No.147 of 2020 is pending before the learned Judicial Magistrate, Srivaikundam.

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 impugned proceedings in STC No.147 of 2020, on the file of the learned Judicial Magistrate, Srivaikundam 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 (CS-III)

// 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 Judicial Magistrate,
Srivaikundam.



2.The Inspector of Police,
Seydunganallur Police Station,
Tuticorin District.

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

Crl.O.P(MD)No.12202 of 2020

and

Crl.M.P. (MD) Nos.5523 & 5525 of 2020

04.12.2020

SS (CO)

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