



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 05.11.2020**

**CORAM :**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**Crl.O.P (MD) No.12360 of 2020**

**and**

**Crl.M.P (MD) No.5564 of 2020**

WEB COPY

Henry Define @ Henri Tiphagne ... Petitioner/Accused No.22  
(Wrongly mentioned as Henry Definein F.I.R  
instead of Henri Tiphagne)

Vs.

1. The State represented by  
The Sub Inspector of Police  
7097, Thallakulam Police Station,  
Madurai City,  
Madurai District.  
(Crime No. 267 of 2020)

... 1<sup>st</sup> Respondent/Complainant

2. S.Karthic  
Sub Inspector of Police  
7097, Thallakulam Police Station,  
Madurai South,  
Madurai District.

... 2<sup>nd</sup> Respondents/Defacto  
Complainant

**Prayer:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned First Information Report in Crime No.267 of 2020, on the file of the 1st respondent police station and quash the same as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi  
For R-1 : Ms.S.E.Veronica Vincent  
Government Advocate (Crl. Side)

### **ORDER**

Heard, the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the First Information Report in Crime No.267 of 2020 registered on the file of Thallakulam Police Station. The second respondent / Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 08.02.2020, at about 10.00 a.m. the petitioner and others had conducted demonstration and fixed flex board and amplifier in public place without getting prior permission from the concerned officials



in violation of the prohibitory orders to protest against the recent amendments made to the Citizenship Laws.

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. The petitioner is a member of People Watch Mobility, Madurai. Therefore, he had also organised a protest. 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-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rm

**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 Sub Inspector of Police  
7097, Thallakulam Police Station,  
Madurai City,  
Madurai District.



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

WEB COPY

**Crl.O.P (MD) No.12360 of 2020  
05.11.2020**

VB (11.11.2020) 3P 3C