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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.12404 of 2020

and

Crl.M.P (MD) No.5583 of 2020

Hendry Tiphane @ Henri Tiphagne
(Wrongly mentioned as Hendry Tiphane in
in F.I.R instead of Henri Tiphagne) ... Petitioner/Accused No.20

Vs.

1.The State

Represented by the Sub Inspector of Police
S.S.Police Station
Madurai City
Madurai District
(Crime No.346 of 2020)

....Respondent No.1/Complainant

2.C.Vijayakumar

Sub Inspector of Police
S.S.Police Station, Madurai Town
Madurai District

....Respondent No.2/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the impugned First Information Report in Crime Number 346 of 2020 on the file of Respondent No.1 Police Station and quash as against the petitioner concerned as illegal.

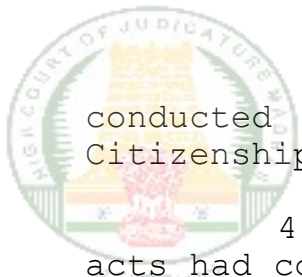
For Petitioner : Mr.R.Karunanidhi
For Respondent No.1 : Ms.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

O R D E R

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.346 of 2020 registered on the file of S.S.Police Station, Madurai City. The second respondent / Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 20.03.2020, at about 2.00 p.m. the petitioner and others had
<https://hcservices.ecourts.gov.in/hcservices/>



conducted a demonstration against the amendments made to the Citizenship Amendment Act.

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 political party. 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)

msa

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
S.S.Police Station
Madurai City
Madurai District



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

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VB (11.11.2020) 3P 3C