



WEB COPY

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.12436 of 2020

and

Crl.M.P(MD) No.5625 of 2020

Henri Tiphagne

... Petitioner/Accused No.4

Vs.

1.The State Represented by
The Sub-Inspector of Police,
SS Colony Police Station,
Madurai City,
(In Crime No.90 of 2020)

...RespondentNo.1/ Complainant

2.Mr.K.Kumar
Special Sub Inspector of Police,
C3, S.S.Colony Police Station,
Madurai City,
Madurai District.

...RespondentNo.2/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the impugned First Information Report in Crime Number.90 of 2020, on the file of respondent police station and quash the same as against the petitioner.

For Petitioner	:	Mr.R.Karunanidhi
For R-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 Number.90 of 2020 registered on the file of S.S.Colony Police Station. The second respondent / Special Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 19.01.2020 at about 7.10 p.m, 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.

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 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-I)

// 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 Sub-Inspector of Police,
SS Colony Police Station,
Madurai City,
(In Crime No.90 of 2020)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P(MD) No.12436 of 2020
and
CrI.M.P(MD) No.5625 of 2020
05.11.2020