



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD).No.14121 of 2020
and Crl.M.P.(MD)No.6504 of 2020

WEB COPY

Mohamed Shajakhan

... Petitioner

Vs.

1.State Rep.by,
The Sub Inspector of Police,
Watrap Police Station, Virudhunagar District.

2.Chellapandian,
Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District.

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the entire records pertaining to FIR in Cr.No.320 of 2019 on the file of the first respondent under Sections 143 & 341 IPC and quash the same as illegal as against the petitioner.

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

For R1 : Mr.V.Neelakandan,
Additional Public Prosecutor

O R D E R

Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the First Information Report in Crime No.320 of 2019 registered on the file of the first respondent police. The second respondent/Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 10.12.2019, 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

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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,
Watrap Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD) .No.14121 of 2020
07.12.2020

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