



WEB COPY

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.14137 of 2020

and

Crl.M.P. (MD) No.6524 of 2020

Hyder Ali @ Haither Ali

... Petitioner/Accused No.20

Vs.

1.The State represented by the
Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.45 of 2020)

...1st Respondent/Complainant

2.Alwin,
S/o. Name Not Known,
Sub-Inspector of Police,
Eruvadi Police Station,
Tirunelveli.

...2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.45 of 2020 on the file of the first respondent and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja

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.45 of 2020 on the file of the first respondent. The second respondent / Sub Inspector of Police is the de-facto complainant.

3.The gist of the First Information Report is that on 12.03.2020, 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 (RTI)

// 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

The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.

Copy to

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

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07.12.2020

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