



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14140 of 2020
and Crl.M.P(MD)No.6527 of 2020

Khalid @ Kalith

... Petitioner/Accused No.1

vs.

1.The State represented by the
Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
(Crime No.48 of 2020)

...1st Respondent/Complainant

2.Mary Jemitha,
W/o.Name Not Known,
Inspector of Police,
Kalakad Police Station,
Tirunelveli.

... 2nd Respondent/Defacto
Complainant

Prayer : This Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.48 of 2020 on the file of the first respondent and quash the same as illegal so far as the petitioner is concerned.

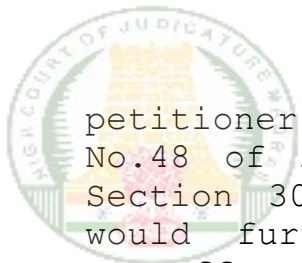
For Petitioner : Mr.K.Navaneetharaja

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.48 of 2020 on the file of the first respondent.

2.The learned counsel for the petitioner would state that the allegation against the petitioner is that on 30.01.2020, the petitioner and others unlawfully assembled near clock tower at Kalakad for the remembrance of the demise of the Mahatma Gandhiji, without getting any permission. On the basis of the complaint given by the second respondent, a case was registered against the



petitioner and other persons by the first respondent in Crime No.48 of 2020 for the offence under Sections 143, 283 IPC and Section 30A(ii) of the Police Act, 1861. The learned counsel would further state that on the face of FIR, it does not make out any offence and therefore, he would pray for quashing the FIR.

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3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would state that on 30.01.2020, the petitioner and others unlawfully assembled near clock tower at Kalakad for the remembrance of the demise of the Mahatma Gandhiji, without getting any permission and caused disturbance to the free flow of public and he would fairly state that no violence or untoward incident had taken place.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the 1st respondent.

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. Since the gathering is only for the remembrance of the demise of the Mahatma Gandhi, who is the Father of our Nation, and who fought for our independence in a peaceful manner 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 and quashing the same will secure the ends of justice.

6.Accordingly, the impugned F.I.R in Crime No.48 of 2020, on the file of the first respondent police is quashed and the Criminal Original Petition is allowed. 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,
Kalakad Police Station,
Tirunelveli District.

Copy to

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

Crl.O.P. (MD) No.14140 of 2020
07.12.2020

KM (27.01.2021) 3P 3C