



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

CrI.O.P. (MD) No.14564 of 2020

and

CrI.M.P. (MD) Nos.6858 & 6859 of 2020

WEB COPY

Fasoor Rahman @ Fazur Rehman

: Petitioner/Accused No.129

Vs.

1. The State Represented by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City,
Madurai District.
(In Crime No.1203 of 2019)

: 1st Respondent/Complainant

2. Kumari
D/o. Not Known
Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai City,
Madurai District.

: 2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned charge sheet in C.C.No.922 of 2020 on the file of the learned Judicial Magistrate-II, Madurai and quash as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi

For R1 : Ms.S.E.Veronica Vincent,
Government Advocate.

O R D E R

Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2.This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.922 of 2020 on the file of the learned Judicial Magistrate-II, Madurai. The second respondent / Sub Inspector of Police is the de-facto complainant.

3.The gist of the charge sheet is that on 20.12.2019, 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 filing of the charge sheet, 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 charge sheet 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 charge sheet 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 petitions are closed.

Sd/-

Assistant Registrar (A.E)

// 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 Judicial Magistrate-II, Madurai.

2. Inspector of Police,
Thilagar Thidal Police Station,
Madurai City, Madurai District.

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

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11.12.2020

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