



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.14399 of 2020

and

Crl.M.P. (MD)No.6732 of 2020

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- 1.Mohamed Ansari @ Kuyathu Ansar
- 2.Muhammed Abubakkar Sithik @ Mohamed Abubakkar Sithick
- 3.Mohammed Saleem @ Mohamed Saleem
- 4.K.M.Abdul Kathar @ Mohamed Abdul Kader
- 5.Kothar Mydeen @ Kotheri Mohideen
- 6.Saleem
- 7.Ajish @ Abdul Agees
- 8.Zahir @ Jahir Usain

... Petitioners

Vs.

- 1.State Represented by
The Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.
(In Crime No.33 of 2020)

- 2.Vel Rajan,
S/o.Not Known,
Village Administrative Officer,
Pottalputhur,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Section 482 Cr.P.C., to call for the records of charge sheet in S.T.C.No.239 of 2020 before the learned Judicial Magistrate, Ambasamudaram and quash the same as illegal.

For Petitioners	: Mr.S.M.A.Jinnah
For R1	: Ms.S.E.Veronica Vincent, Government Advocate.

O R D E R

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

2.This Criminal Original Petition has been filed for quashing the charge sheet in S.T.C.No.239 of 2020 before the learned Judicial Magistrate, Ambasamudaram. The second respondent / Village Administrative Officer is the de-facto



3.The gist of the charge sheet is that on 15.02.2020, the petitioners along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) and NRC (National Register Citizenship).

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4.The case of the respondent is that the petitioners by their acts had committed public nuisance. They 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 and 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 in S.T.C.No.239 of 2020 before the learned Judicial Magistrate, Ambasamudaram 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 (AD I)

// 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,
Ambasamudaram

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.

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

Crl.O.P (MD) No.14399 of 2020
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