



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.15227 of 2020

and

Crl.M.P.(MD)No.7346 of 2020

Abdhul Kadhar (Kullakadhar) @ AbdulKadhar
(Wrongly mentioned as Abdulkadhar (Kullakadhar)
in FIR instead of Abdulkadhar) ..Petitioner/Accused No.1

Vs

- 1.The State represented by,
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City,
Madurai.
(In Crime No.1186 of 2019) ..1st Respondent/Complainant
- 2.Alagumalai ..2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records pertaining to the impugned report in Crime No.1186 of 2019 on the file of the respondent no.1 Police Station and quash as against the petitioner concerned as illegal.

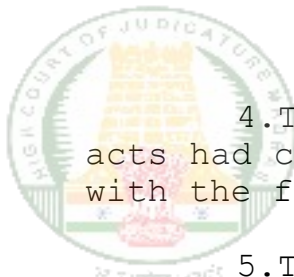
For Petitioner : Mr.R.karunanidhi
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor (Crl.side)

O R D E R

Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Criminal side) appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the First Information Report in Crime No.1186 of 2019 on the file of the first respondent Police under Sections 143, 341, 290, 291, 505 (1)(a), 353, and 109 IPC and Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. The second respondent / Village Administrative Officer is the de-facto complainant.

3. The gist of the First Information Report is that on 31.12.2019, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) and NRC (National Register Citizenship) NRC.



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 First Information Report in Crime No.1186 of 2019 will secure the ends of justice.

6. Hence, the First Information Report in Crime No.1186 of 2019 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 (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Inspector of Police,
Avaniyapuram Police Station,
Madurai City,
Madurai.

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

+1CC to M/s.R.karunanidhi,Advocate, SR.No.26883 dated 22/12/202

Crl.O.P (MD)No.15227 of 2020

21.12.2020

PU(CO)

KB(01.02.2021) 2P 4C

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