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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14744 of 2020 and
Crl.M.P(MD) No.6972 of 2020

- 1.K.M.Abdul Kathar @ Mohamed Abdul Kader
- 2.Anbazhagan
- 3.Ramakrisnan @ Ramakrishnan
- 4.Mupthi Mohamed @ Muthu Mohamed
- 5.Pasumpon @ Muthu Ramalingam
- 6.Ponsundaram @ Shanmuga Sundaram
- 7.Majith @ Nellai Majith @ Abdul Majeeth
- 8.Ameer Khan
- 9.Kovi Syed @ Syed Mohammed
- 10.Ibrahim @ Mohamed Ibrahim
- 11.Anshar @Kuyathu Ansar
- 12.Ravi Arunan
- 13.Kothar Mydeen @ Kotheri Mohideen
- 14.Saleem
- 15.Shaul Hameed @ Khalith @ Sahul Hameed

: Petitioners/
Accused Nos.1 to 15

Vs

1. State represented by
The Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.
(In Crime No.296 of 2019)
2. Vel Raj,
Village Administrative Officer,
Pottalputhur,
Tirunelveli District.

: Respondent No.1/
Complainant

: Respondent No.2/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records of charge sheet in S.T.C.No.240 of 2020 before the learned Judicial Magistrate, Ambasamudaram and quash the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah
For R1 : Ms.V.Neelakandan
Additional Public Prosecutor



O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

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2.This Criminal Original Petition has been filed to quash the impugned charge sheet in S.T.C.No.240 of 2020 before the learned Judicial Magistrate, Ambasamudaram. The Second respondent/Village Administrative Officer is the defacto complainant.

3.The gist of the First Information Report is that on 27.12.2019 at about 04.00 pm, the petitioners along with 2000 others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) at Pottalpudur Mela Bus Stop situated at Pottalpudur to Papankulam Main Road. Hence, the first respondent police has registered First Information Report in Crime No.296 of 2019 on the same day for the alleged offences under Sections 143, 283 IPC and the case was also charge sheeted in STC No.240 of 2020 before the learned Judicial Magistrate, Ambasamudram.

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 subsequent filing of 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 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 impugned proceedings in STC No.240 of 2020 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.

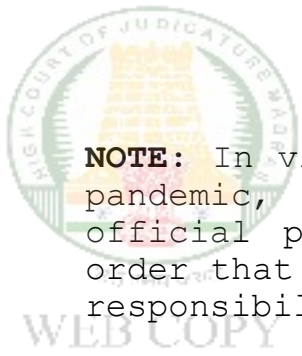
Sd/-

Assistant Registrar (AD-II)

// 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 Judicial Magistrate,
Ambasamudram.
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.14744 of 2020
15.12.2020

SS(CO)
CS(05.01.2021) 3P 4C