



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.15308 of 2020

and

Crl.M.P. (MD) No.7408 of 2020

Syed Ishak @ Syed Eshack
(Wrongly mentioned as Syed Ishak in
FIR instead of Syed Eshack)

..Petitioner/Accused No.2

Vs

1.The State Represented by,
The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.

(In Crime No.1425 of 2020)

..1st Respondent/Complainant

2.N.Shanmuganathan

..2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records pertaining to the impugned First Information Report in Crime No.1425 of 2020 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 for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

2.This Criminal Original Petition has been filed to quash the impugned First Information Report in Crime No.1425 of 2020, on the file of the respondent No.1 police station. The Second respondent/Sub Inspector of Police is the defacto complainant.

3.The gist of the First Information Report is that on 13.06.2020 at about 08.00 pm, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act). Hence, the first respondent police has registered Crime No.1425 of 2020 on 13.06.2020.



4.The learned Additional Public Prosecutor would submit that there is no untoward incident had taken place and the issue involved in this case is a covered matter.

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 same will secure the ends of justice.

6.Hence, the First Information Report 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 Petition is closed.

Sd/-

Assistant Registrar ()

// 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,
Thallakulam 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.26882 dated 22/12/2020

Crl.O.P(MD)No.15308 of 2020
21.12.2020

PU(CO)

KB(25.01.2021) 2P 4C