



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14972 of 2020
and
]Crl.M.P(MD)No.7165 of 2020

Syed Jamaludeen @ Syed Jalaludeen ... Petitioner/Accused No.16
vs.

- 1.The State represented by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(In Crime No.113 of 2020) ... Respondent No.1/Complainant
- 2.Mohamed Hanifa
S/o.Not Known,
Police Officer Grade II P.C.(4058),
Kadayanallur Police Station,
Tenkasi District. ... Respondent No.2/Defacto Complainant

Prayer : This Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the entire records pertaining to the impugned First Information Report in crime No.113 of 2020 on the file of the first respondent police station and quash as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the FIR in crime No.113 of 2020 on the file of the first respondent.

2.The learned counsel for the petitioner would state that allegation against the petitioner is that on 19.03.2020, the petitioner and others gathered and raised slogans as against the



police by asking reasons for removal of flex board, which was installed, without getting any permission and without following the CORONA Pandemic Norms and social distancing. On the basis of the complaint given by the second respondent, a case was registered against the petitioner and other persons by the first respondent in Crime No.113 of 2020 for the offence under Sections 143, 283, 269 and 353 IPC. The learned counsel would further state that on the face of FIR, it does not make out any offence and that the issue in the present case is covered by the decisions of this Court in Jeevanantham vs. State reported in 2018 (2) L.W. (Crl) 606.

3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would state that on 19.03.2020, the petitioner and others gathered and raised slogans as against the police by asking reasons for removal of flex board, which was installed, without getting any permission, without following the CORONA Pandemic norms and social distancing and caused disturbance to the free flow of public and he would fairly state that no violence or untoward incident had taken place.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the 1st respondent.

5.In the decision relied on by the petitioner reported in 2018 (2) L.W. (Crl) 606, Jeevanantham vs. State, this Court has held as follows:-

'In all the cases, the assembly of persons were made to express dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a ordinary citizen. If such an assembly of persons are to be trifled by registering an FIR under Section 143 of IPC and filing a final report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution.'

6.The above judgment is squarely applicable to the present facts and circumstances of the case. 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 various amendments. Since the protest was conducted in a peaceful manner 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.



7. Accordingly, the impugned F.I.R in Crime No.113 of 2020, on the file of the first respondent police is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Records)

// 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 Inspector of Police,
Kadayanallur Police Station, Tenkasi District.

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

+1cc to Mr.R.Karunanidhi, Advocate Sr.No.26167

Crl.O.P.(MD)No.14972 of 2020

SS (CO)

NR (18/01/2020) 3P : 4C