



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14991 of 2020 and

Crl.M.P. (MD) No.7180 of 2020

WEB COPY

1.Nijam Alikhan
2.Henri Tiphange

..Petitioners/Accused Nos.1 &13

Vs

1.The State represented by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.
(In Crime No.233 of 2020)

...Respondent No.1/Complainant

2.Mr.Sundarapandian
Sub Inspector of Police,
S.S.Colony Police Station,
Madurai City,
Madurai District.

...Respondent No.2/
Defacto Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records pertaining to the impugned First Information Report in Crime Number 233 of 2020 on the file of the first respondent police station and quash as against the petitioners concerned as illegal.

For Petitioners : Mr.R.Karunanidhi

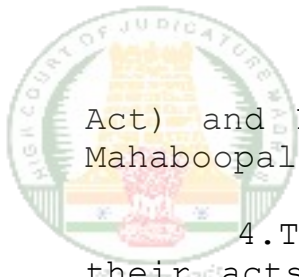
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor
(Crl.side)

O R D E R

Heard, the learned counsel appearing for the petitioners 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 Number. 233 of 2020 registered on the file of S.S.Colony Police Station, Madurai City.The second respondent / Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 14.02.2020, the petitioners along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment



Act) and NRC (National Register Citizenship) near Jinna Ground, Mahaboopalayam, Madurai.

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, 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 petitioners but also the non-petitioning accused. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
S.S.Colony Police Station,
Madurai City,
Madurai.

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



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

+1 cc to Mr.R.Karunanidhi , Advocate SR.No.26164

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KM (05.01.2021) 3P 4C