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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD) No.15508 of 2020

and

Crl.M.P(MD) No.7566 of 2020

Mahdiya

(Wrongly mentioned as Mahathiya in FIR

instead of Mahdiya)

... Petitioner/Accused No.4

Vs.

1.The State Represented by

The Inspector of Police,

Thallakulam Police Station

Madurai City

Madurai

(Crime No.2199 of 2019) ...1st Respondent/Complainant

2.Karthik

Sub Inspector of Police

Thallakulam Police Station

Madurai City

Madurai District

...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the impugned first information report in Crime No.2199 of 2019 on the file of the first respondent police station and quash the same as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi

For R-1 : Mr.V. Neelakandan

Additional Public Prosecutor (Crl. Side)

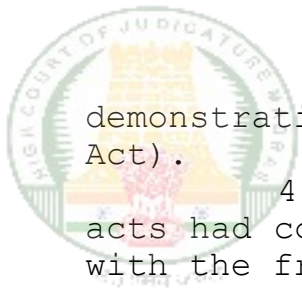
O R D E R

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.2199 of 2019 on the file of the first respondent police station registered for the offence under Sections 143, 283, 290 and 341 I.P.C. The second respondent / Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 21.12.2019, the petitioner along with others had conducted a

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



demonstration against the Amendment of CAA (Citizenship Amendment Act).

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.

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5.Though, there are prima facie materials to justify the registration of the First Information Report in Crime No.2199 of 2019, 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 impugned First Information Report in Crime No.2199 of 2019 will secure the ends of justice.

6. Hence, the case in Crime No.2199 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 (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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.

CrI.O.P(MD) No.15508 of 2020
and

CrI.M.P(MD) No.7566 of 2020

23.12.2020

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