



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.14992 of 2020 and
Crl.MP(MD) No.7181 of 2020

Fathima Kani

... Petitioner/Accused No.4

Vs.

1.State Rep by

The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City,
Madurai.

(Crime No.1267 of 2020)

Complainant

... 1st Respondent/

2.Mr.Ramesh

Sub Inspector of Police,
Vilakkuthoon Police Station,
Madurai City,
Madurai District.

...2nd Respondent /Defacto
Complainant

Prayer : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the impugned First Information Report in Crime no.1267 of 2020, on the file of the respondent No.1 police station and quash as against the petitioner concerned as illegal.

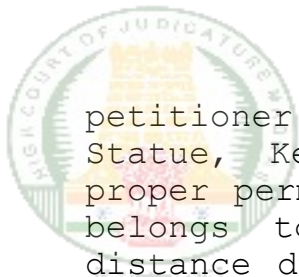
For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the impugned First Information Report in Crime No.1267 of 2020, on the file of the 1st respondent.

2.The learned counsel for the petitioner would state that based on the complaint given by the 2nd respondent herein alleging that the



petitioner along with others had conducted a demonstration near Anna Statue, Keelaveli Veethi junction on 06.10.2020, without getting proper permission, demanding justice for the raped victim girl, who belongs to Uttarpradesh and thereby they violated the social distance during this COVID-19 pandemic situation, a case in Crime No.1267 of 2020 has been registered against the petitioner and others for the offences under Sections 151, 270, 291 IPC and Section 3 of Epidemic Disease Act, 1897. 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 CRL.OP(MD)No.3770 of 2012 dated 06.06.2018 and Jeevanantham vs. State reported in 2018 (2) K.W. (Cr1) 606.

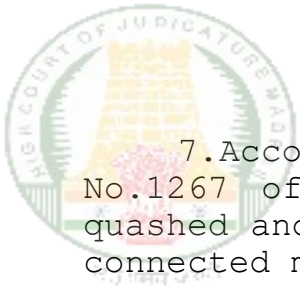
3.The learned Additional Public Prosecutor would state that without getting proper permission, the petitioner along with others had conducted a demonstration, demanding justice for the raped victim girl, who belongs to Uttarpradesh and without maintaining social distance norms, during this COVID-19 pandemic situation and also 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 for the 1st respondent.

5.In the decision relied on by the petitioners reported in 2018 (2) K.W. (Cr1) 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. The court will secure the ends of justice.



7. Accordingly, the impugned First Information Report in Crime No.1267 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.

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,
Vilakkuthoon Police Station,
Madurai City,
Madurai.
(Crime No.1267 of 2020)

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

Crl.O.P. (MD) .No.14992 of 2020 and
Crl.MP(MD) No.7181 of 2020

17.12.2020

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