



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.15513 of 2020

Kamil@Mohammed Kamil @ Kamil Husain ... Petitioner/Accused No.9

vs.

1.The Inspector of Police
Uchipuli Police Station
Ramanathapuram District
(Crime No.33 of 2020) ...1st Respondent/Complainant

2.Ansar Raja
Village Administrative Officer
Pudumadam Group, Ramanathapuram Taluk
Ramanathapuram District. ...2nd Respondent/Defacto Complainant

Prayer : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to F.I.R in Crime No.33 of 2020 on the file of 1st respondent police and quash the same as far as this petitioner is concerned.

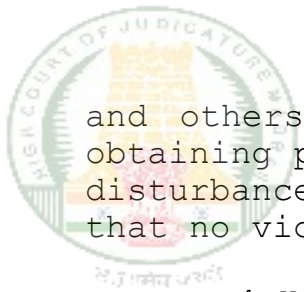
For Petitioner	:	Mr.C.Muthusaravanan
For R1	:	Mr.V.Neelakandan
		Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to F.I.R in Crime No.33 of 2020 on the file of 1st respondent police and quash the same as far as this petitioner is concerned.

2.The allegation against the petitioner is that on 19.01.2020 the petitioner and other named accused along with 100 men and 50 women said to have unlawfully assembled and raised slogans against the Central Government in public place without getting due permission from concerned officials. Hence, a case was registered by the respondent police in Crime No.33 of 2020 by arraigning this petitioner as accused No.9 for the alleged offence punishable under Section 143, 341 and 290 I.P.C. 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. (Crl) 606.

3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would state that the petitioner



and others raised slogans against the Central Government without obtaining permission and without following social distancing, 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 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, which echoed in the decision of this Court reported in **2018 (2) K.W. (Cr1) 606, Jeevanantham vs. State.**

6. The reading of the FIR does not disclose any offence and it is not supported by any material evidence and therefore, I am inclined to quash the FIR.

7. Accordingly, the impugned F.I.R in Crime No.33 of 2020 on the file of the first respondent police is quashed and the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// 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
Uchipuli Police Station, Ramanathapuram District

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

Crl.O.P. (MD).No.15513 of 2020

23.12.2020

(MJ) CO

AP(08/01/2021) 2P 3C

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