



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.14981 of 2020 and
Crl.M.P.(MD) No.7170 of 2020

Mohamed Sigam
(Wrongly mentioned as Mohamed Sikham in F.I.R
instead of Mohamed Sigam) Petitioner/Accused No.3
Vs

1.The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai
(In Crime No.369 of 2020) Respondent No.1/Complainant

2.Mr.Sakthi Manikandan
Sub Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai Respondent No.2/
Defacto Complainant

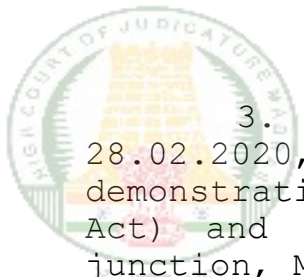
PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records pertaining to the impugned First Information Report in Crime Number 369 of 2020 on the file of the first respondent police station and quash as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor (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 Number. 369 of 2020 registered on the file of Thallakulam 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 28.02.2020, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) and NRC (National Register Citizenship) at Ayyar Bungalow junction, Madurai Town, Madurai.

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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.

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

Sd/-

Assistant Registrar (AS)

// 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 State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai

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



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

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+1cc to Mr.R.Karunanidhi, Advocate Sr.No.26190

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TP (CO)
NR (05/01/2020) 3P : 4C