



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

WEB COPY

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**

Crl.O.P(MD)No.15036 of 2020

and

Crl.M.P. (MD) Nos.7204 & 7205 of 2020

Shajahan

(Wrongly mentioned as Shajakhan in  
Final Report instead of Shajahan)

... Petitioner/Accused No.1

**Vs**

1. The State represented by  
The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai City, Madurai District.  
(In Crime No.1069 of 2019)

... Respondent No.1/Complainant

2. Mr.Vijayanand  
Sub Inspector of Police,  
Jaihindpuram 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 Charge Sheet in C.C.No.1001 of 2020, on the file of the learned Judicial Magistrate IV, Madurai and quash as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi  
For R1 : Ms.S.E.Veronica Vincent  
Government Advocate (Crl.side)

**O R D E R**

Heard, the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the Charge Sheet in CC No.1001 of 2020, on the file of the learned Judicial Magistrate IV, Madurai.The second respondent / Sub Inspector of Police is de-facto complainant.



3. The gist of the First Information Report is that on 31.12.2019 at about 9.40 am, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) without obtaining any permission. Based on the complaint given by the 2<sup>nd</sup> respondent, a case in Cr.No.1069 of 2019 was filed against the petitioner and others on the same day and charge sheet has also been filed under Sections 120b, 143, 341, 290, 353 IPC and Section 73A (I) of Tamil Nadu City Police Act, 1888, in CC No.1001 of 2020 on the file of the learned Judicial Magistrate IV, Madurai.

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 and subsequent filing of charge sheet, 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 impugned proceedings in CC No.1001 of 2020 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 petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// 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 Judicial Magistrate No.IV, Madurai.
2. The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai City,  
Madurai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

VRN

TE : 07/01/2021 : 3P/4C

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