



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.15318 of 2020

and

Crl.M.P.(MD)No.7420 of 2020

Mujibur Rahman

... Petitioner/Accused No.1

Vs.

1. The State represented by the
Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
(Crime No.1151 of 2019)

... 1st Respondent/Complainant

2. Abdul Rahim,
S/o.Name Not Known,
Sub-Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.

...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in S.T.C.No.6078 of 2020 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.A.Mohamed Yusuf

For R1 : Ms.S.E.Veronica Vincent,
Government Advocate.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2.This Criminal Original Petition has been filed to quash the charge sheet in S.T.C.No.6078 of 2020 on the file of the learned Judicial Magistrate No.II, Madurai. The second respondent/Sub Inspector of Police is the de-facto complainant.



3.The gist of the charge sheet is that on 10.12.2019, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) and NRC (National Register Citizenship).

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 filing of the 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 charge sheet 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 charge sheet 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 (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.II, Madurai
2. The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.



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

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