



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.15522 of 2020

and

Crl.M.P(MD).No.7576 of 2020

WEB COPY

Mohammed IbarahimPetitioner/Accused No.7
vs.

1.The State Represented by
The Inspector of Police,
K.Pudur Police Station
Madurai City
(Crime No.33 of 2020)1st Respondent/Complainant

2.Amuthavalli
Sub Inspector of Police
K.Pudur Police Station
Madurai City ..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 the Charge Sheet in S.T.C.No.6113 of 2020 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.A.Mohamed Yusuf

For R1 : Mrs.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 Final Report in STC No.6113 of 2020, on the file of the learned Judicial Magistrate No.VI, Madurai registered under Sections 143, 341, 283 and 290 IPC. The second respondent / Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 10.01.2020, the petitioner along with others had protested against the Citizenship Amendment Bill.

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 registration of the case in STC.No.6113 of 2020, 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 amendment. 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 proceedings in STC No.6113 of 2020 will secure the ends of justice.

6. Hence, the case in STC No.6113 of 2020 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 (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 Judicial Magistrate No.VI
Madurai

2.The Inspector of Police,
K.Pudur Police Station
Madurai City

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

Crl.O.P.(MD).No.15522 of 2020
and

Crl.M.P(MD).No.7576 of 2020
23.12.2020

=
MJ(CO)

KK(08.01.2021) 2P 4C

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