



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.15630 of 2020

and

Crl.M.P(MD).No.7653 of 2020

WEB COPY

N.Sahul Hameed

...Petitioner/Accused No.6

vs.

1.The State Represented by
The Inspector of Police,
Southgate Police Station
Madurai City
(Crime No.488 of 2019)

...1st Respondent/Complainant

2.K.John
Sub Inspector of Police
Southgate Police Station
Madurai

...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 first information report in Crime No.488 of 2019 on the file of the first respondent and quash the same as illegal so far as the petitioner is concerned.

For Petitioner
For R1

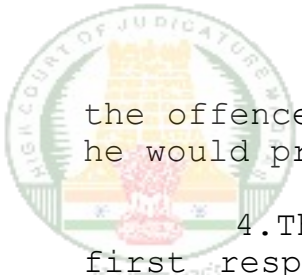
: Mr.A.Syed Abdul Kather
: Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for quashing the First Information Report in Crime No. 488 of 2019 on the file of first respondent police station registered against the petitioner and others under Sections 505(1)(b) I.P.C and Sections 4(1), 4B of Tamil Nadu Open Places (Prevention) of Disfigurement Act, 1959.

2.The allegation in the F.I.R is that the petitioner and others conducted a protest against the Hon'ble Minister Rajendra Balaji condemning his hate speech against the muslims through media. At that time, the petitioner and other accused persons slapped cheppals on the face of the said Minister's picture shown in the flex banner. On the complaint of the second respondent/Sub Inspector of Police, the above FIR came to be registered against the petitioner and others.

3.The learned Counsel for the petitioner would state that the petitioner and others conducted demonstration in a peaceful manner and no violence or untoward incident had taken place and therefore,



the offence under Section 505 (1)(b) of I.P.C is not made out. Thus, he would pray to quash the F.I.R.

4.The learned Additional Public Prosecutor appearing for the first respondent would state that the petitioner by his acts of protest had committed public nuisance and caused disturbance to the free flow of general traffic and therefore, the above F.I.R came to be registered. He would fairly state that no violence or untoward incident had taken place.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

6.If the assembly of persons who made protest expressing dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a ordinary citizen, are to be trifled by registering an FIR, then 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 has been echoed in the decision reported **in 2018(2) K.W.(Crl) 606, Jeevanantham Vs.State.**

7.Here, in the present case, protest has been made condemning the hate speech of the Hon'ble Minister against muslims through media. The learned Additional Public Prosecutor has also stated that no violence or untoward incident had taken place. Therefore, in view of the above decision, there will be no fruitful purpose in allowing the FIR to continue. Accordingly, the FIR in Crime No. 488 of 2019 on the file of the 1st respondent/police is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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,
Southgate Police Station
Madurai City

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

CrI.O.P. (MD) .No.15630 of 2020
and
CrI.M.P (MD) .No.7653 of 2020
23.12.2020

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