



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.837 of 2021

and

Crl.M.P.(MD) No.383 of 2021

WEB COPY

Habif Mohamed @ Habeeb Mohamed ...Petitioner/Accused No.1
Vs.

1.The State Represented by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District. ...1st Respondent/Complainant
(In Crime No.32 of 2020)

2.Murugesan ...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records of FIR in Crime No.32 of 2020 on the file of the first respondent police Station and quash the same as illegal as against the petitioner.

For Petitioners : Mr.S.M.A.Jinnah
For 1st Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

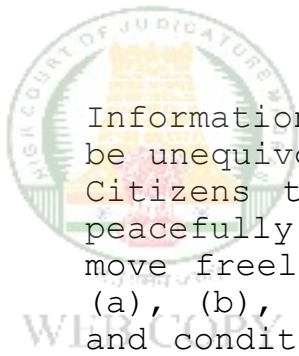
ORDER

The present petition is filed by the petitioner under Section 482 of Code of Criminal Procedure, to call for the records pertaining to Crime No.32 of 2020 of Sethubavachathiram Police Station, Thanjavur District, and quash the same as against the petitioner.

2.A perusal of the First Information Report shows that on 29.02.2020, when the Village Administrative Officer (2nd respondent), was on his routine rounds, found the petitioner along with others protesting against the amendments made to the Citizenship Laws. According to the complainant, namely, the Village Administrative Officer, Puthupattinam, the petitioner and others by their act had not only committed public nuisance, but also caused hindrance to the free flow of vehicular traffic on the road.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the first respondent, would contend that the investigation in Crime No.32 of 2020 of Sethubavachathiram Police Station, Thanjavur District, is nearing completion.

4.It is to be pointed out that no untoward incident had taken place. The petitioner has organized the protest and the First



Information Report has not disclosed any act of violence. It must be unequivocally emphasized that the Constitution of India gives its Citizens the right to freedom of speech and expression, assemble peacefully and without arms, to form Associations and Unions and to move freely throughout the Territory of India under Article 19 (1) (a), (b), (c) and (d). But of course these rights come with terms and conditions. In the instant case, the protest was peaceful and as already observed no untoward incident took place.

5.In the circumstances, the First Information Report in Crime No.32 of 2020 on the file of the first respondent, is quashed as against the petitioner and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.

Copy to

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

Crl.O.P. (MD)No.837 of 2021
22.01.2021

SRK(CO)
KB(08.02.2021) 2P 3C