



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.1107 of 2021
and
Crl.M.P.(MD)No.507 of 2021

Bava ... Petitioner/Accused No.1
Vs.

1. State represented by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(In Crime No.34/2020) ... Respondent/Complainant

2.Sivamani ... Respondents/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the First Information Report in Crime No.34 of 2020 on the file of the first respondent police and quash the same as illegal as against the petitioner.

For Petitioner : Mr.S.M.A.Jihhah

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 in Crime No.34 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), Sethubavachathiram, was on his routine rounds, found the petitioner along with others were protesting against the amendments made to the Citizenship Laws. According to the complainant, namely, the Village Administrative Officer (2nd respondent), Sethubavachathiram, 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 accepts notice for the first respondent. He would contend that the investigation in Crime No.34 of 2020 of Sethubavachathiram Police Station, is still pending.

WEB COPY

4.It is to be pointed out that no untoward incident had taken place. The petitioner has organised the protest and the First Information Report also do not disclose any act of violence and admittedly, the protest was peaceful. The essence of democracy is the right to have an alternative opinion and to agitate for its acceptance.

5.In the circumstances, the First Information Report in Crime No.34 of 2020 on the file of the first respondent, is quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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,
Sethubavachathiram Police Station,
Thanjavur District.

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

Crl.O.P. (MD) No.1107 of 2021
27.01.2021

SSS(CO)

TR(11.02.2021) 2P 3C