



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2021

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

Crl.O.P. (MD)No.1484 of 2021

and

Crl.M.P. (MD)No.709 of 2021

WEB COPY

Jafer Ali ... Petitioner / Accused No.1
/Vs./

1.The State Represented by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(In Crime No.53 of 2020)

2.V.Pandiyan,
S/o.Not Known,
The Special Sub-Inspector of Police,
Vallam Police Station,
Thanjavur District. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.53 of 2020 on the file of the respondent police and quash the same as illegal as against the petitioner.

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

For 1st Respondent : Mr.A.Robinson

Government Advocate (Criminal Side)

ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.53 of 2020 of Vallam Police Station, Thanjavur District as against the petitioner.

2.A perusal of the First Information Report shows that on 29.02.2020, when the Special Sub-Inspector of Police (2nd respondent), along with his men were on rounds, they found the present petitioner along with others protesting against the amendments made to the Citizenship Laws. According to the complainant, namely, the Special Sub-Inspector of Police, Vallam, 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.A.Robinson, learned Government Advocate (Criminal Side), who accepts notice on behalf of the first respondent, on instructions, would contend that the investigation in Crime No.53 of 2020 of Vallam 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 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.53 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

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sm

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,
Vallam Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.1484 of 2021
04.02.2021

=
kvn(CO)
KK(24.02.2021) 2P 3C