



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD).No.1329 of 2021

and

Crl.M.P(MD).No.637 of 2021

Jakubar Ali @ Jagubar Ali

... Petitioner

Vs.

1.State rep., by

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur City.
In Crime No.35 of 2020

2.Senthilkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.35 of 2020 on the file of the first respondent police and quash the same as against the petitioner.

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

For Respondent No.1 : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the First Information Report in Crime No.35 of 2020 of Sethubavachathiram Police Station, Thanjavur District.

2.A perusal of the First Information Report shows that on 29.02.2020, when the second respondent, Village Administrative Officer was on routine rounds, he found the present petitioner along with others protesting against the amendments made to the Citizenship Laws. According to the complainant, namely, the Village Administrative Officer, Senthalaipattinam, 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 for the first respondent, on instructions, would contend that the investigation in Crime No.35 of 2020 of Sethubavachathiram Police Station, is already completed and charge sheet has also been made ready against the accused for the alleged offences punishable under Sections 143 and 341 Indian Penal Code.

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 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.35 of 2020 on the file of the first respondent, is quashed in respect of 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)

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

Crl.O.P. (MD) .No.1329 of 2021
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