



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD).No.1350 of 2021

and

Crl.M.P(MD).No.647 of 2021

1.Mohamud Ibrahim @ Mohamed Ibrahim

2.M.M.S.Hammed @ Shahul Hameed

3.Aabideen

... Petitioners/Accused 1 to 3

Vs.

1.State rep., by

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

In Crime No.100 of 2020

... Respondent/Complainant

2.P.Palaniappan

... Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the First Information Report in Crime No.100 of 2020 on the file of the first respondent police and quash the same as against the petitioners.

For Petitioners : 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.100 of 2020 on the file of the Orathanadu Police Station.

2.A perusal of the First Information Report shows that on 29.02.2020, when the Sub-Inspector of Police (second respondent) along with his men were on routine rounds, they found the present petitioners along with others protesting against the amendments made to the Citizenship Laws. According to the complainant, namely, the Sub-Inspector of Police, Orathanadu Police Station, the petitioners 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.100 of 2020 of Orathanadu 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 petitioners have 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.100 of 2020 on the file of the first respondent, is quashed as against the petitioners and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

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,
Orathanadu Police Station,
Thanjavur District.

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

Crl.O.P.(MD).No.1350 of 2021
03.02.2021

NA(CO)

TR(24.02.2021) 2P 3C