



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.2451 of 2021
and
Crl.M.P.(MD) No.1281 of 2021

Arjun

... Petitioner

Vs.

1.The State through
The Inspector of Police,
S.S.Colony Police Station,
Madurai District.

2.Mahendran

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.1133 of 2020 on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner : Mr.S.Vignesh Kumar

For 1st Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

The present petition is filed by the petitioner under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.1133 of 2020 of S.S.Colony Police Station, Madurai District and quash the same as against the petitioner.

2.A perusal of the First Information Report shows that on 08.05.2020 at about 11.00 a.m., when the Sub-Inspector of Police (2nd respondent), S.S.Colony Police Station, along with his men was on routine rounds, he found the petitioner along with others protesting against the opening of TASMAL shop during Covid-19 pandemic period. According to the complainant, namely, the Sub-Inspector of Police, S.S.Colony Police Station, 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, on instructions, would contend that the investigation in Crime No.1133 of 2020 of S.S.Colony Police Station, is pending.

WEB COPY 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 does not disclose any act of violence. Moreover, a protest is a constitutional right as long as it does not destroy property or endanger life.

5.In the circumstances, the First Information Report in Crime No.1133 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

1. The Inspector of Police,
S.S.Colony Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.VIGNESH KUMAR, Advocate SR.No. 1260

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