



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P. (MD)No.10379 of 2020

and

Crl.M.P (MD) .No.4772 of 2020

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Riyash Kan

... Petitioner/Accused No 1

Vs.

1.The State rep., by
The Sub-Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
(In Crime No.59 of 2020)

2.Sivabalanaathan

... Respondents/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.59 of 2020 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.A.S.Alaudeen

For R1 : Mr.R,Erottuchamy

Government Advocate (Criminal Side)

ORDER

The present petition is filed by the petitioner under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.59 of 2020 of Thirupullani Police Station, Ramanathapuram and quash the same.

2.A perusal of the First Information Report shows that on 10.03.2020 when the Village Administrative Officer (2nd respondent) 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, Periyapattinam, the petitioner by his act had not only committed public nuisance, but also caused hindrance to the free flow of vehicular traffic on the road.

3.Mr.R.Erottuchamy, learned Government Advocate (Criminal side), who accepts notice for the first respondent, on instructions, would contend that the investigation in Crime No.59 of 2020 of Thirupullani 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 290 of the Indian Penal Code.

4.It is to be pointed out that no untoward incident had taken
<https://hcservices.ecourts.gov.in/hcservices/>



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.

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5. In the circumstances, the First Information Report in Crime No.59 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 Sub-Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TP (CO)
KB (29.03.2021) 2P 3C