



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.11785 of 2021

and

Crl.MP(MD)Nos.6040 & 6042 of 2021

1.Ananthasamy @ Anandasamy

(Wrongly, mentioned as Ananthasamy in S.T.C.No.6591 of 2020 instead of Anandasamy)

2.Sneka @ Snega ... Petitioners/Accused Rank No.12 & 16

Vs.

1.State rep by,

The Inspector of Police,
Thilagar Thidal Station,
Madurai.

(Crime No.1197 of 2019) ... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in S.T.C.No.6591 of 2020 is pending before the learned Judicial Magistrate No.II, Madurai, in connection with Crime No.1197 of 2019 dated 19.12.2019 for the offence under Sections 143, 341, 283 & 290 of IPC on the file of the respondent and quash the same against the petitioners as illegal.

For Petitioners : Mr.R.Ganesh Prabu

For Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in S.T.C.No.6591 of 2020 is pending before the learned Judicial Magistrate No.II, Madurai.

2.The case of the prosecution in brief:-

(i) On 19.12.2019, at about 11.30 a.m, a number of members belonging to 'Makkal Athikaram' conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act). They also shouted slogans against the national party and they disturbed the public without getting any proper permission from the officials. So, on the basis of the complaint given by the second respondent herein, a case in Crime No.1197 of 2019 was registered for the offence punishable



under Sections 143, 341, 283 and 290 IPC.

(ii) The second respondent took up the investigation. Collected materials. Recorded the statement of the witnesses and filed a final report, which was taken on file in S.T.C.No.6591 of 2020.

3. Seeking quashment of the same, this petition is filed mainly on the ground that the allegations made in the final report, does not attract any of the ingredients of the offence alleged, against these petitioners.

4. Heard both sides.

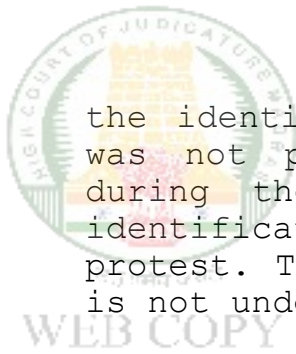
5. The case involves the protest made by the petitioners against the Amendment of CAA (Citizenship Amendment Act). On 19.12.2019, at about 11.30 a.m, the petitioners belongs to one organisation called 'Makkal Athikaram'. In the final report, it has been mentioned that the members of the above said organisation numbering about 18, made a protest, without getting proper permission from the authorities, they also made slogans against the Government and also condemned the assault made upon the students of the Jamia University, Delhi. Their aim was make a protest over the Amendment of CAA (Citizenship Amendment Act).

6. According to the petitioners, by way of this amendment a discrimination was made against the Srilankan and the Muslims. The petitioners does not deny the above said protest. But, however, stated that the petitioners' name was not mentioned in the First Information Report.

7. A copy of the First Information Report has been produced. Wherein, it has been stated that under the leadership of one Gurusamy, the people numbering about 18, unlawfully assembled in the place and made a protest. Thereafter, they dispersed themselves at about 11.30 a.m and the case was registered at 12 noon. But, during the course of investigation, the involvement of the petitioners was also brought to the notice of the officials and so, final report has been filed.

8. It is a common knowledge that against the Amendment of CAA (Citizenship Amendment Act), several protests, demonstrations and agitations took throughout of India and in abroad also. So, right to protest is well recognised. So, the only qualification is that it should not end in any violation.

9. A reading of the First Information Report shows that they made a protest by shouting slogans against the amendment Act and the Government. But, later, they dispersed themselves. So, it is seen that no untoward or criminal act was occurred. No doubt, conduct protest, without getting any proper permission, is not proper. They also created nuisance in that place. But, entire reading of 161



the identification of person, who are involved in the occurrence, was not properly investigated. None of the statement recording during the course of investigation, did not speak about the identification of the person, who involved in the demonstration or protest. Then, how the petitioners roped in the above said offence, is not understandable.

10. Moreover, this Court, passed the order in Crl.OP(MD) No.10774 of 2020, dated 05.10.2020, dealing with a similar situation for quash the First Information Report in Crime No.54 of 2020, which was also registered, on the basis of the protest, made by the political party, against the Amendment of CAA (Citizenship Amendment Act). The relevant paragraph of the order is extracted hereunder :-

"5.Though, there are prima facie materials to justify the registration of the First Information Report, I am of the view that its continuance is not warranted. This is because no untoward incident had taken place. The country had witnessed protests all over by different sections of people against the said amendments. The petitioner is a member of political party. Therefore, he had also organised a protest. Since the protest was peaceful and even the First Information Report does not disclose any act of violence or happening of untoward incident, I am of the view that the continued prosecution is not warranted. "

11. In the light of the above discussion, I am of the considered view that there is no *prima facie* materials are available against the petitioners. It is nothing, but, clear abuse of process of the Court and law. So, this petition is liable to be quashed.

12. Accordingly, the proceedings in S.T.C.No.6591 of 2020 pending on the file of the learned Judicial Magistrate No.II, Madurai, is hereby, quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

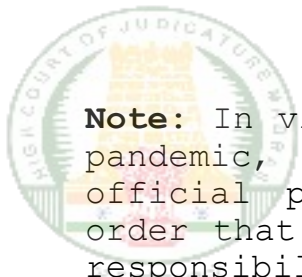
Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

dss



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.

WEB COPY

To

1. The Judicial Magistrate No.II,
Madurai.
2. The Inspector of Police,
Thilagar Thidal Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.11785 of 2021
and
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NSN (CO)
KB (29.09.2021) 4P 4C