



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

CrI.OP(MD)No.12179 of 2020 &

CrI.MP(MD)No.5513 of 2020

WEB COPY

Kajamaidheen @ Kaja Mohideen ... Petitioner/Accused No.1
vs.

1.State Represented by,
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
(Crime No.158 of 2020)

... Respondent No.1/Complainant

2.P.Muthumari ... Respondent No.2/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.158 of 2020 pending on the file of the first respondent police and quash the same as against the petitioner concerned as illegal.

For Petitioner : Mr.R.Karunanidhi
For R1 : Mr.A.Robinson,
Government Advocate(Criminal Side)

O R D E R

This petition has been filed seeking to quash the First Information Report in Crime No.158 of 2020 of Anna Nagar Police Station, Madurai District.

2.A perusal of the First Information Report shows that on 05.02.2020, when the Sub-Inspector of Police (2nd respondent) along with her men were on rounds, they found the present petitioner along with others protesting against the amendments made to the Citizenship Laws. According to the complainant, namely, the Sub-Inspector of Police, Anna Nagar Police Station, Madurai District, 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.A.Robinson, learned Government Advocate (Criminal Side), who accepts notice for the first respondent, on instructions, would contend that the investigation in Crime No.158 of 2020 of Anna Nagar Police Station, Madurai District, is already completed and charge sheet has also been made ready against the accused for the alleged offences punishable under Sections 143, 283, 290 and 341 of 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.158 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(RTI)

// 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,
Anna Nagar Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DKS (CO)
TR(08.02.2021) 2P 3C