



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P. (MD) .No.16006 of 2020

and

Crl.M.P(MD) .No.7959 of 2020

Hendry Debaine @ Henri Tiphagne
(wrongly mentioned as Hendry
Tiphagnein FIR instead of Henri Tiphagne) ...Petitioner/Accused No.2

Vs.

1.The State rep., by
The Sub-Inspector of Police,
508, South Gate Police Station,
Madurai City, Madurai District.
(In Crime No.651 of 2019)

2.P.Sankar ... Respondents/Complainant&
Defacto complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records with regard to First Information Report in Crime No.651 of 2019 on the file of the first respondent Police Station and quash the same.

For Petitioner : Mr.R.Karunanithi
For R1 : Mr.A.Robinson
Government Advocate (Criminal. side)

O R D E R

The present petition is filed by the petitioner under Section 482 of Criminal Procedure Code to quash the FIR in Crime No.651 of 2019 on the file of the South Gate Police Station, Madurai.

2.A perusal of the First Information Report shows that on 31.12.2019, when the Sub-Inspector of Police (2nd respondent) along with his men were on routine 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, South Gate Police Station, the petitioner and others 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.A.Robinson, learned Government Advocate (Criminal Side), who accepts notice for the first respondent, would contend that the investigation in Crime No.651 of 2019 of South Gate Police Station, is already completed and charge sheet has also been made ready against the accused for the alleged offences punishable under Sections 109, 120B, 143, 341, 290 and 353 of Indian Penal Code and Section 73A(i) and 73A(iii) of Tamil Nadu City Police Act.

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.651 of 2019 on the file of the first respondent, is quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// 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,
508, South Gate Police Station,
Madurai City, Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.16006 of 2020

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