



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.874 of 2022

and

Crl.M.P.(MD)No.606 of 2022

WEB COPY

Sams Abdullah

... Petitioner / Accused No.24

vs.

1.State represented through
the Sub Inspector of Police,
Southgate Police Station,
Madurai City Police,
Madurai-625001.

...1st Respondent / Complainant

2.A.Murugan

Sub Inspector of Police,
Southgate Police Station,
Madurai-625001.

... 2nd Respondents / Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case registered in FIR in Crime No.1293 of 2020 and quash the same as illegal insofar as the petitioners herein are concerned.

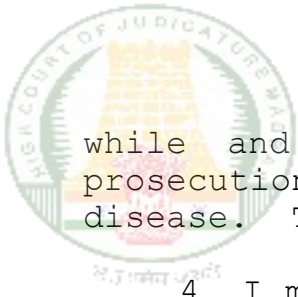
For Petitioners : Mr.A.Syed Abdul Kather
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents.

2. The petitioner is figuring as 24th accused in Crime No.1293 of 2020 registered on the file of the first respondent for the offences under Sections 143, 341, 291, 270 of IPC r/w Section 3 of Epidemic Diseases Act, 1897.

3. The case of the prosecution is that on 06.12.2020, the accused assembled in public in violation of the lockdown restrictions and they also did not adhere to Covid protocol. It is true that the petitioners did not obtain any prior permission for holding the demonstration. However, I must take note of the fact that demonstration was held on 06.12.2020. On the said date, various minority organisations do hold protests and demonstrations to condemn what is known as Babri Masjid incident. The accused did not indulge in any act of violence. They had assembled for a short



while and dispersed thereafter. It is not the case of the prosecution that the accused were suffering from any infectious disease. They did not contribute to its spread also.

4. I must also note that one of the offences for which FIR was registered is Section 3 of Epidemic Diseases Act. The police on their own could not have registered any FIR for that offence. Likewise, there has been no breach of the order passed by the executive magistrate and therefore, invocation of Section 291 of IPC is also bad. Since no adverse consequence ensued and the accused were only exercising their democratic right to protest, continuation of the impugned prosecution is not really warranted. The impugned FIR is quashed. This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non -petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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,
Southgate Police Station,
Madurai City Police,
Madurai-625001.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.874 of 2022

20.01.2022

—
nsn(CO)

TR(04.02.2022) 2P 3C