



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1130 of 2022
and
Crl.M.P. (MD)No.808 of 2022

Saleem ... Petitioner/Accused No.1
Vs.

1.The State represented by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.42 of 2020) ...1st Respondent/Complainant

2.Saravanakumar,
S/o.Adhidasan,
Sub Inspector of Police,
Kottar Police Station,
Kanyakumari District. ...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in S.T.C.No.528 of 2020 on the file of the learned Judicial Magistrate No.II, Nagercoil and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja

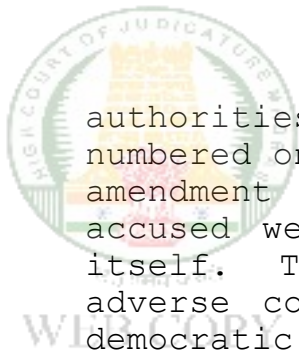
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioner is facing trial in S.T.C.No.528 of 2020 on the file of the Judicial Magistrate No.II, Nagercoil for the offences under Sections 143 and 341 of IPC.

3.The case of the prosecution is that the accused had assembled on 31.01.2020 without getting any prior permission from the
<https://hcservices.ecourts.gov.in/hcservices/>



authorities. Even according to the prosecution, the accused numbered only 19. They lodged their protest against the citizenship amendment laws. They had assembled for hardly ten minutes. The accused were arrested and later released on bail in the station itself. The accused did not indulge in any act of violence and no adverse consequence ensued. They were after all exercising their democratic right to protest. Continuance of the impugned prosecution is not warranted. In this view of the matter, the impugned proceedings are quashed and the criminal original petition is allowed. The benefit of this order will in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

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 Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.1130 of 2022
24.01.2022

RK(09/02/2022) 2P 4C