



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1306 of 2022
and
Crl.M.P. (MD)No.946 of 2022

Fathima ... Petitioner
Vs.

1.The State rep. by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No.575 of 2020)

2.U.Balan ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the impugned First Information Report in Crime No.575 of 2020 on the file of the respondent No.1 police station and quash the same as against the petitioner concerned.

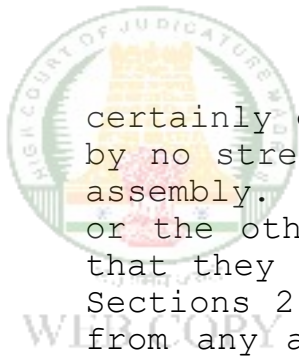
For Petitioner : Mr.Henri Tiphagane
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1.

O R D E R

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

2.The petitioner is figuring as first accused in Crime No.575 of 2020 registered on the file of Sipcot police station for the offences under Sections 143, 269, 270 and 271 of IPC. The case of the prosecution is that on 05.10.2020, the petitioner along with others had assembled in violation of the lockdown restrictions. A reading of the FIR indicates that the object of the assembly was to condemn the notorious Sathankulam incident and to demand prosecution of the culprits.

3.The Sathankulam incident sent shock waves throughout the society. It raised fundamental issues concerning the upholding of human rights. The petitioner as a public interested citizen was



certainly entitled to voice her concern in this regard. Therefore, by no stretch of imagination can the assembly be called as unlawful assembly. It is not the case of the prosecution that the petitioner or the other accused were suffering from any infectious disease or that they contributed to its spread. Therefore, the offences under Sections 269 and 279 of IPC could not have been invoked. Looked at from any angle, prosecuting the petitioner is not justified. The impugned prosecution is quashed and the 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 (CS II)

// True Copy //

/ /2022

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 Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-2693[F] dated 27/01/2022

Crl.O.P(MD)No.1306 of 2022
25.01.2022

SS/22.02.2022 : 2P/4C