



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.1284 of 2022
and
Crl.M.P. (MD)No.929 of 2022

Fathima ... Petitioner/Accused No.2
Vs.

1.The State rep. by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.168 of 2019) ... 1st Respondent/Complainant

2.Sivakumar
Sub Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District. ... 2nd Respondent/
Defacto Complainant

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.168 of 2019 on the file of the respondent No.1 police station and quash the same as against the petitioner concerned.

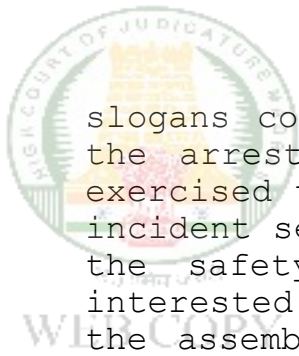
For Petitioner : Mr.Henri Tiphagane
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1.

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 shown as accused No.2 in Crime No.168 of 2019 registered on the file of Thoothukudi South Police Station for the offences under Sections 143 and 283 of IPC.

3.The case of the prosecution is that on 14.03.2019 in the evening hours, the accused had assembled in a public place without getting any prior permission and blocked the free flow of traffic. From a reading of the FIR, it is seen that the accused had raised



slogans condemning what is known as Pollachi incident and demanded the arrest of the culprits. In my view, the accused have only exercised their democratic right of protest. The notorious Pollachi incident sent shock wave throughout the society. The issue concerned the safety of women. Therefore, the petitioner as a public interested citizen was justified in voicing her protest. Therefore, the assembly in question could not have been characterized as an unlawful assembly. Even according to the prosecution, the demonstration was conducted for less than an hour; the accused did not indulge in any act of violence and no adverse consequence ensued. That Apart, even though the FIR was registered as early as on 14.03.2019, till date no final report has been filed. Therefore, the petitioner's counsel rightly invoked Section 468 of CrPC. Looked at from any angle, continuance of the impugned prosecution is not justified. The impugned FIR 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 (AD-I)

// 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 Inspector of Police,
Thoothukudi South 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-2694[F] dated 27/01/2022)
Crl.O.P(MD)No.1284 of 2022
25.01.2022

SRR(CO)

GC(18.02.2022) 2P 4C

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