



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.8465 of 2022

and

CRL.M.P.(MD)No.5733 of 2022

Hakkeem

... Petitioner/Accused

Vs.

1. The State represented through
The Sub Inspector of Police,
Tenkasi Police Station
Tenkasi District.

... Respondent/Complainant

2. Mathavan
Sub-Inspector of Police
Tenkasi Police Station
Tenkasi District.

... Respondent/Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case registered in FIR in Crime No.276 of 2020, on the file of the first respondent and quash the same as illegal so far as accused No.8 is concerned.

For Petitioner : Mr.A.Syed Abdul Kather
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

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.On 05.08.2020, the SDPI Secretary, namely, Sardar along with the petitioner and others were assembled and raised slogans with the intention to cause riot as "To Stop the construction of Ram Temple in the place of Babri Masjid", "Retain the Special Status to Kashmir and to stop there violation in the name of lockdown", "To withdraw the ban of Triple Talak Enactment", "Don't hide the economic loss in the name of Corona". The said gathering was
occurred in violation of Covid-19 restrictions and during the



implementation of prohibitory order under Section 144 of Cr.P.C. Hence, Crime No.276/2020 was registered on the file of respondent police station for the offences under Sections 143, 283 and 270 of I.P.C.

3.I will not fault the respondent for having registered the impugned First Information Report. But no adverse consequence ensued. It is seen that the Government has taken a policy decision not to pursue the cases registered in the wake of breach of lock down restrictions. In these circumstances, continuance of the impugned prosecution is not warranted.

4.Therefore, the impugned First Information Report is quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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,
Tenkasi Police Station
Tenkasi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.8465 of 2022

29.04.2022

USK/26.05.2022/2P/3C

<https://hcservices.ecourts.gov.in/hcservices/>