



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.8454 of 2022

and

CRL.M.P.(MD)No.5722 of 2022

Mydeen

... Petitioner/Accused No.44

Vs.

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

... Respondent/Complainant

2. Sivashankari
Sub-Inspector of Police
Kadayanallur Police Station
Tenkasi District

... Respondent/Defacto
Complainant

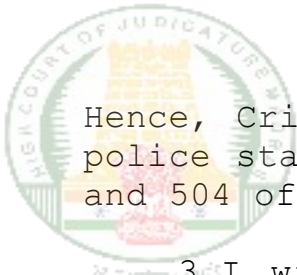
Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case registered in FIR in Crime No.386 of 2020, on the file of the first respondent and quash the same as illegal so far as accused No.44 is concerned.

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 Party President, namely, Yasar Khan 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", "To against the prevention of Triple Talaq Act" and "To stop there violation in the name of lockdown". 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.386/2020 was registered on the file of respondent police station for the offences under Sections 143, 283, 270, 153 and 504 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 (AD-II)

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

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USK/26.05.2022/2P/3C