

Crl.O.P(MD)No.12438 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2020

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD) No.12438 of 2020

and

Crl.M.P(MD) No.5629 of 2020

Saathik Ali @ Sathick Ali

... Petitioner/Accused No.3

Vs.

1.The State Represented by
The Inspector of Police,
Shenkottai Police Station,
Tirunelveli District.

...RespondentNo.1/
Complainant

2.Mr.Shyamsundar
Sub Inspector of Police,
Shenkottai Police Station,
Tirunelveli District.

...RespondentNo.2/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 Number.4 of 2020, on the file of respondent police station and quash the same as against the petitioner.

For Petitioner : Mr.R.Karunanidhi

For R-1 : M/s.S.E.Veronica Vincent
Government Advocate (Crl. Side)

ORDER

Heard, the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the First Information Report in Crime Number.4 of 2020, registered on the file of Shenkottai Police Station. The second respondent / Sub Inspector of Police is the de-facto complainant.

3. The gist of the First Information Report is that on 04.01.2020, the petitioner along with others had conducted a demonstration against the Amendment of CAA (Citizenship Amendment Act) and NRC (National Register Citizenship).

4.The case of the respondent is that the petitioner by his acts had committed public nuisance. He had also caused interference with the free flow of general traffic.

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5.Though, there are prima facie materials to justify the registration of the First Information Report, I am of the view that its continuance is not warranted. This is because no untoward incident had taken place. The country had witnessed protests all over by different sections of people against the said amendments. Since the protest was peaceful and even the First Information Report does not disclose any act of violence or happening of untoward incident, I am of the view that the continued prosecution is not warranted. Quashing the same will secure the ends of justice.

6. Hence, the First Information Report impugned in this petition stands quashed. The Criminal Original Petition stands allowed. The benefit of this order will enure not only for the petitioner but also the non-petitioning accused. Consequently, connected miscellaneous petition is closed.

05.11.2020

Index : Yes/No

Internet: Yes/No

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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.

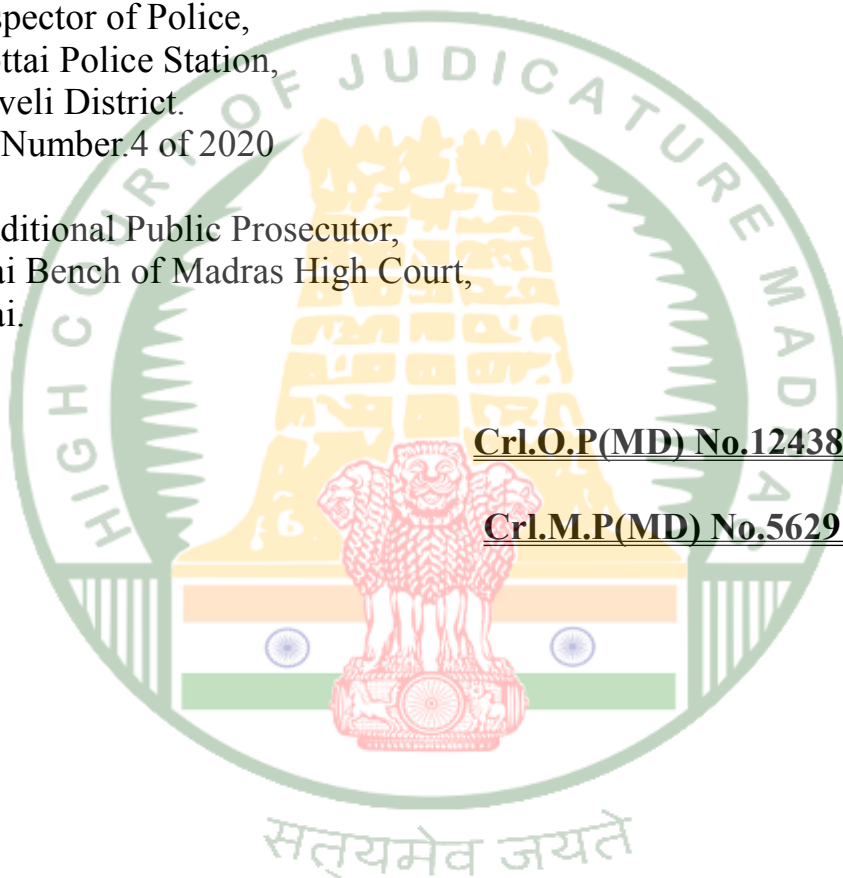
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J.NISHA BANU, J.

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To:

- 1.The Inspector of Police,
Shenkottai Police Station,
Tirunelveli District.
Crime Number.4 of 2020
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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