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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

CrI.O.P.(MD)No.4609 of 2021

and

CrI.M.P.(MD)No.2578 of 2021

Jafar Sathick @ Jahabar Sathick ... Petitioner / Accused No.1

1.The State Represented by
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
(In Crime No.63 of 2020) ... 1st Respondent / Complainant

2.Mariselvan
S/o.Not Known,
The Special Sub-Inspector of Police,
Boothapandy Police Station,
Kanyakumari District. ... 2nd Respondent / Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.63 of 2020 on the file of the first respondent and quash the same as illegal as against the petitioner.

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For Petitioner : Mr.S.M.A.Jinnah

For 1st Respondent : Mr.A.Robinson

Government Advocate (Criminal Side)

ORDER

The present petition is filed by the petitioner, seeking for a direction to quash the First Information Report in Crime No.63 of 2020 of Boothapandy Police Station, Kanyakumari District.

2.A perusal of the First Information Report shows that on 12.03.2020, when the Special Sub-Inspector of Police (2nd respondent), was on his routine rounds, found the petitioner along with others protesting against the amendments made to the Citizenship Laws. According to the complainant, namely, the Special Sub-Inspector of Police, Boothapandy Police Station, the petitioner and others by their act had not only committed public nuisance, but also caused hindrance to the free flow of vehicular traffic on the road.

3.Mr.A.Robinson, learned Government Advocate (Criminal Side), who accepts notice on behalf of the first respondent, on instructions, would contend that the investigation in Crime No.63 of 2020 of Boothapandy Police Station, Kanyakumari District, is nearing completion.

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4.It is to be pointed out that no untoward incident had taken place. The petitioner has organized the protest and the First Information Report has not disclosed any act of violence. It must be unequivocally emphasized that the Constitution of India gives its Citizens the right to freedom of speech and expression, assemble peacefully and without arms, to form Associations and Unions and to move freely throughout the Territory of India under Article 19 (1) (a), (b), (c) and (d) of the Constitution of India. But of course these rights come with terms and conditions. In the instant case, the protest was peaceful and as already observed no untoward incident took place.

5.In the circumstances, the First Information Report in Crime No.63 of 2020 on the file of the first respondent, is quashed as against the petitioner and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet:Yes/No

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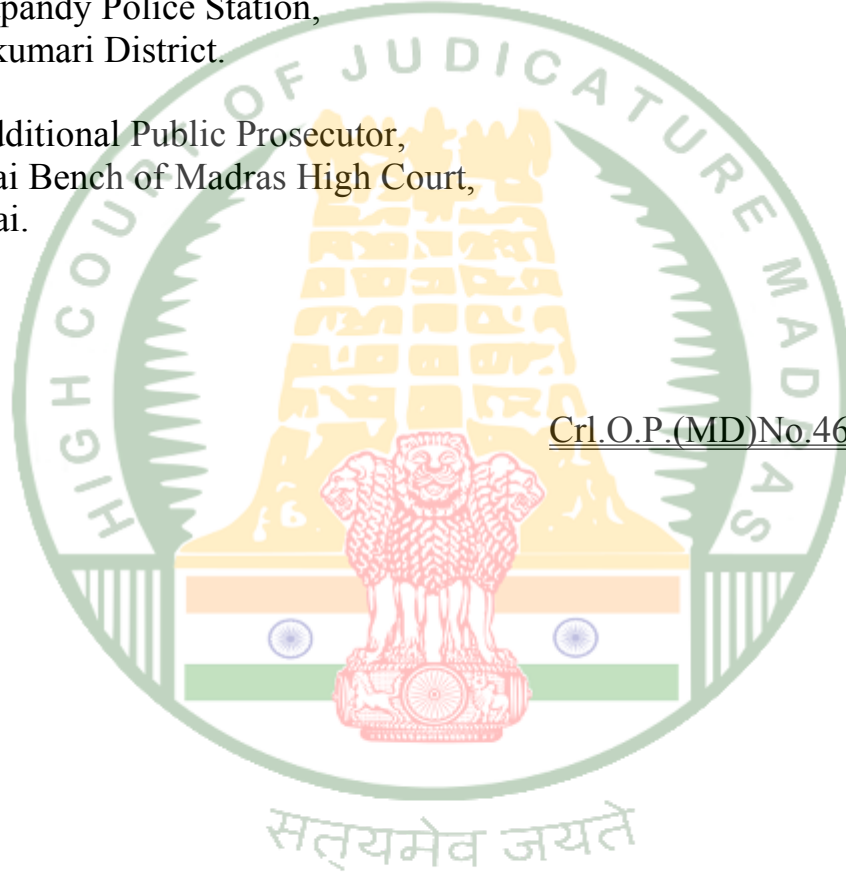
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

R. HEMALATHA, J.

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To

1. The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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