



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

**Crl.O.P. (MD) Nos.14542 and 14544 of 2019
and
Crl.M.P. (MD) Nos.8799 and 8801 of 2019**

Vicky @ Vignesh @ Mariavignesh

... Petitioner in both petitions /
... Accused Rank not known in both petitions

- Vs. -

1. State through
The Inspector of Police,
Pudhukottai Police Station,
Tuticorin Districrt.
(Crime No.164/2018)

... 1st Respondent/Complainant
in both petitions

2. Gomathi Nayagam,
HC 127, Vigilance and
Anti Corruption,
Tuticorin.

... 2nd Respondent/Defacto Complainant
in both petitions

3. Kavaskar,Grade-1 PC 209.
Murappanadu Police Station,
Tuticorin.

... 2nd Respondent/Defacto
Complainant in Crl.O.P.14544/19

COMMON PRAYER : Criminal Original Petitions are filed under Section 482 of Cr.P.C. to call for the records relating to the FIR in Crime Nos.164 and 165 of 2018 respectively on the file of the 1st respondent police and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.NIranjan S.Kumar

For R-1 : Mr.R.Anandharaj, APP

For R-2 : Mr.N.Nagendran, Spl.PP for CBI
in both petitions

**COMMON ORDER**

These Criminal Original Petitions have been filed to quash the criminal proceedings in Crime Nos.164 and 165 of 2018 respectively on the file of the 1st respondent police and quash the same insofar as the petitioner is concerned.

2. Heard both sides.

3. In respect of the dispute in and around the area of Sterlite Factory at Tuticorin, there are 262 cases were registered as against the rioters. In this regard, writ petitions were filed before a Division Bench of this Court in W.P.(MD) No.15421 and 15660 of 2018, where, this Court by an order dated 02.08.2019 has held as follows:

"15. Accordingly, these Writ Petitions are partly allowed. This Court directs that complaints in all F.I.Rs. registered in connection with the happenings of 22.05.2018 and related in any manner to the Anti-Sterlite protests in and around Thoothukudi be treated as 161(3) Cr.P.C. statements in Crime No.191 of 2018. As we are aware that a decision on the manner of investigation in the case is pending consideration of the Hon'ble First Bench at the Principal Seat, we would leave it to petitioners to later move afresh there regards, if need be. Consequently, connected Miscellaneous Petitions are closed. No costs."

4. Further, the same Division Bench of this Court has held in ***K.Kathiresan V. State of Tamilnadu (W.P. (MD) Nos.11391 and etc. batch of 2018)*** reported in ***(2018) 4 MLJ (Cr1) 59***, as follows:

"44. Accordingly, we direct as follows:

(i) Under orders in W.P.(MD) Nos.15421 and 15660 of 2018 dated 02.08.2018, we had directed that all F.I.Rs. registered in connection with happenings of 22.05.2018 and related in any manner to the Anti-Sterlite protests at Thoothukudi be treated as 161(3) Cr.P.C. statements in Crime No.191 of 2018, originally registered by the fifth respondent (Inspector of Police, SIPCT Police Station, Thoothukudi) and presently on the file of third respondent (The Additional Director General of Police, CBCID, Egmore, Chennai). Accordingly, we direct investigation in Crime No.191 of 2018 on the file of Thoothukudi SIPCOT Police Station, shall stand transferred to the file of Central Bureau of Investigation as also that in Crime No.190 of 2018 on the file of Thoothukudi SIPCOT Police Station.

(ii) The CBI shall register case/cases on the complaints received against official/police in respect of occurrences at Thoothukudi on 22.05.2018 and cause investigation thereon. The CBI shall also cause



investigation on the aspects which we have herein above indicated. The CBI shall not be restricted to consider only issues which have been highlighted herein above. In other words, it will be duty of the CBI to get to the bottom of things and file such charge sheet/charge sheets, as investigation reveals and necessitates. The action herein above ordered shall be completed within a prior of four months of the receipt of this order. Towards such end, the Director, Central Bureau of Investigation, New Delhi is directed to appoint a special team for investigation as above ordered.

(iii) On claims for additional compensation for death/injuries, we will close the matter for now leaving it open to the concerned to move afresh therefore subject to the findings of the CBI."

5. As against the said order, the State filed Special Leave Petition before the Hon'ble Supreme Court of India in **Criminal Appeal No(s).295-307 of 2019**, where, by an order dated **18.02.2019**, the Hon'ble Supreme Court has held as follows:

"5. Having considered the matter and after hearing the learned counsel for the respondents we are of the view that as the CBI has been ordered to investigate the case(s), what offences are made out at the end of the investigation should be left to the CBI. The High Court, therefore, in our considered view, was not justified in making the aforesaid observation which stands expunged. We direct the CBI to conduct the investigation in a free and impartial manner uninfluenced by any observations that the High Court has recorded in the impugned order including the observation that has been now expunged by the present order."

6. Accordingly, the observation made in para 42(d) of the order in **K. Kathiresan V. State of Tamilnadu (W.P. (MD) Nos.11391 and etc. batch of 2018)** reported in **(2018) 4 MLJ (Crl) 59** stands expunged by the Hon'ble Supreme Court of India. However, in respect of the other directions issued by the Division Bench of this Court, the same has been confirmed and hence, now, all the cases registered by various police stations have been transferred to CBI and they are treated as statements in RC.6S & 8S of 2019 and they are pending for investigation. Insofar as the petitioner is concerned, there are two cases viz., Crime Nos.164 and 165 of 2018 on the file of the Pudhukottai Police Station, Tuticorin District were registered against them.

7. Considering the above facts and circumstances of the case, as directed by the Hon'ble Division Bench of this Court, the cases in crime Nos.164 and 165 of 2018 on the file of the 1st respondent shall



be treated as Statements under Section 161(3) of Cr.P.C. The 1st respondent is directed to transfer the same to the file of CBI, if the same are not already transferred.

8. With the above direction, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

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

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate SR-92584.

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