



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.12.2019
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
CRL OP(MD) . Nos.19915 and 19931 of 2015
and
M.P. (MD) . Nos.1 and 2 of 2015

CRL OP(MD) . No.19915 of 2015:

V.Sandal Muthuraj ... Petitioner/Accused No.10

-Vs-

- 1.State Represented by
The Inspector of Police, ,
Koodankulam Police Station,
Koodankulam
Tirunelveli District.
Cr.No.302 of 2011 ...1st Respondent/Complainant
- 2.K.Sankareshwaran ...2nd Respondent/Defacto-
Complainant

CRL OP(MD) . No.19931 of 2015:

V.Sandal Muthuraj ... Petitioner/Accused No.10

-Vs-

- 1.State Represented by
The Inspector of Police, ,
Koodankulam Police Station,
Koodankulam
Tirunelveli District.
Cr.No.303 of 2011
- 2.K.Sankar ... Respondents

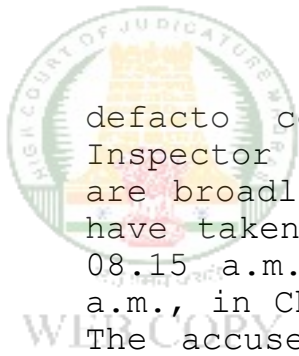
Commn Prayer: Criminal Original Petitions filed under Section 482 of Cr.P.C, to call for the records relating to Charge Sheet Nos.327 and 326 of 2014, on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District, respectively and quash the same as illegal and unlawful insofar as the petitioner is concerned.
(in both Crl.O.Ps)

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1

C O M M O N O R D E R

The petitioner is figuring as A10 in C.C.Nos.326 and 327 of 2014, on the file of the learned Judicial Magistrate, Valliyoor. The



defacto complainant in both the cases is the jurisdictional Inspector of Police. The information registered in both the cases are broadly identical. On 14.10.2011, two occurrences are said to have taken place. The first occurrence is said to have taken at 08.15 a.m., while the second occurrence is taken place at 09.30 a.m., in Chettikulam - Koodankulam main road near S.S.Puram Villaku. The accused are said to have put big boulders on the road and blocked the movement of the police patrol vehicle. The accused wanted to register their protest against the setting up of Koodankulam Nuclear Power Plant. The protesters are also alleged to have threatened the police not to proceed further.

2.The case of the prosecution is that during the relevant time, prohibitory order under Section 30(2) of Police Act was in force. Thus according to the prosecution, the accused have contravened under Sections 147, 148, 341, 294(b), 353 and 506(ii) r/w. 188 of I.P.C. The cases registered were investigated and final report was filed before the Judicial Magistrate, Valliyoor and cognizance of the offences was taken and both the cases were taken on file. To quash the same, these criminal original petitions have been filed.

3.Heard the learned counsel on either side.

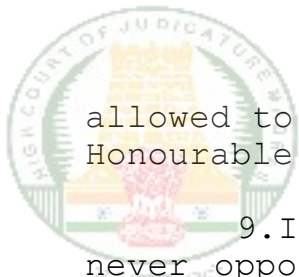
4.The learned Government Advocate (Crl. Side) strongly opposed the prayer made in both the cases and wanted this Court to dismiss both these criminal original petitions.

5.It is beyond dispute that no acts of violence were committed. Even according to the prosecution, what was done by the protesters was to block the movement of the police patrol vehicle. The blockade was done by laying boulders on public road.

6.This Court can take judicial notice of the fact that when Nuclear Power Plant was sought to be established at Koodankulam, it provoked an agitation. Environmental concerns were raised. Ultimately, the matter was settled by the Honourable Supreme Court, which dismissed the public interest litigation petition filed by the activist. While doing so, the Honourable Supreme Court also directed that every endeavour should be made to withdraw all the criminal cases filed in connection with Koodankulam protest.

7.It is true that the Government issued a Government Order pursuant to the said direction but then, the said G.O. does not contain these two cases.

8.I am of the view that no purpose will be served by keeping the impugned prosecution alive. The occurrences had taken place more than eight years ago. As already pointed, there was no unleashing of any violence as such. Mere blocking the movement of a police



allowed to continue in view of the specific observations made by the Honourable Supreme Court.

9.In the case on hand, the petitioner stated that he had never opposed the Nuclear Power Plant as such and that he has been falsely implicated as he happened to be a prominent local political functionary belonging to the opposition party. The possibility of false implication cannot be ruled out. In this view of the matter, I hold that the continuance of the impugned prosecution amounts to abuse of legal process. The impugned prosecutions are quashed and the criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias

To:

1.The Judicial Magistrate,
Valliyoar, Tirunelveli District.

2.The Inspector of Police, ,
Koodankulam Police Station,
Koodankulam
Tirunelveli District.

+2 CC to M/s.S.BALAMURUGAN, Advocate (Srs-103244[F]& 103245 dated 04/12/2019)

Crl.O.P. (MD)Nos.19915 and 19931 of 2015

03.12.2019

AP(15/06/2020) 3P 5C