



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.03.2020

PRESENT

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THE HON`BLE **MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P(MD).Nos.2064, 2068, 2070, 2072,
2075 and 2071 of 2020

and

Crl.M.P(MD).Nos.1033, 1034, 1035, 1036,
1037, 1039, 1038, 1040, 1041, 1042, 1044 and 1045 of 2020

Jennifer William
(Wrongly Mentioned as jennifer in Charge Sheet)
S/o.William, House No.17/4, East Street,
Idinthakarai, Vijaypthipost,
Radhapuram Taluk, Tirunelveli District

... Petitioner/Accused No.7 in CRL OP(MD)No. 2064 of 2020

Jennifer William
S/o. William, House No.17/4,
East Street, Idinthakarai,
Vijayapathi Post, Radhapuram Taluk,
Tirunelveli District - 627 104.
(Wrongly Mentioned as jennifer in Charge Sheet)

... Petitioner/Accused No. 12 in CRL OP(MD)No. 2068 of 2020

Jennifer William
S/o.William, House No.17/4, East Street,
Idinthakarai, Vijayapathi Post,
Radhapuram Taluk,
Tirunelveli District 627 104

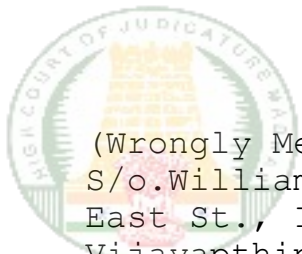
... Petitioner/Accused No.9 in CRL OP(MD)No. 2070 of 2020

Jennifer William
S/o. William, House No.17/4,
East Street, Idinthakarai,
Vijayapathi Post, Radhapuram Taluk,
Tirunelveli District - 627 104.

... Petitioner/Accused No.5 in CRL OP(MD)No. 2072 of 2020

Jennifer William
S/o.William, House No.17/4,
East Street, Idinthakarai, Vijayapathi Post,
Radhapuram Taluk, Tirunelveli District 627 104
(Wrongly Mentioned as jennifer in Charge Sheet)

... Petitioner in CRL OP(MD)No. 2075 of 2020



(Wrongly Mentioned as Jennifer in Charge Sheet)
S/o.William, House No.17/4,
East St., Idinthakarai,
Vijayapthipost, Radhapuram Taluk,
Tirunelveli District

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... Petitioner/Accused No.7 in CRL OP(MD)No. 2071 of 2020

- Vs. -

The Inspector of Police
Kudankulm Police Station,
Tirunelveli District
Cr No.330/2012

... Respondent in CRL OP(MD)No. 2064 of 2020

The Inspector of Police
Kudankulam Police Station,
Tirunelveli District - 627 104,
Crime No.334/12.

... Respondent in CRL OP(MD)No. 2068 of 2020

1.The Inspector of Police
Kudankulm Police Station,
Tirunelveli District
(Crime No.332 of 2012)

2. P.Thangaraj,S/o.Paulraj,
Keezhatheru, Chettykulam

... Respondents in CRL OP(MD)No. 2070 of 2020

1. The Inspector of Police
Kudankulam Police Station,
Tirunelveli District - 627 104, Crime No. 126/13.

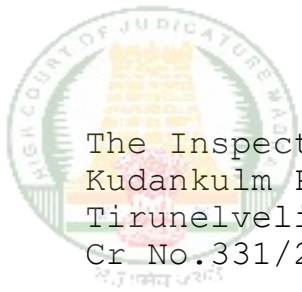
2. Prathap S/o. Martin,
North Colony Street, Idinthakarai.

... Respondents in CRL OP(MD)No. 2072 of 2020

1. The Inspector of Police
Kudankulm Police Station,
Tirunelveli District 627 104
(Crime No.304 of 2012)

2. R.Senthil Kumar
Village Administrative Officer,
Vijayapathi Village, Radhapuram Taluk,
Tirunelveli District

... Respondents in CRL OP(MD)No. 2075 of 2020



The Inspector of Police
Kudankulm Police Station,
Tirunelveli District
Cr No.331/2012

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... Respondent in CRL OP(MD)No. 2071 of 2020

Prayer in CRL OP(MD)No. 2064 of 2020 :

This Petition is filed under section 482 Cr. P.C. to call for the records pertaining to P.R.C.No.41/2014 on the file of the Judicial Magistrate Court, Radhapuram and quash the same against the petitioner herein

Prayer in CRL OP(MD)No . 2068 of 2020 :

This Petition is filed under section 482 Cr. P.C. to call for the entire records pertaining to P.R.C. No.43/2014 on the file of the Judicial Magistrate Court, Radhapuram and quash the same as illegal as per as far as the petitioner is concerned.

Prayer in CRL OP(MD)No . 2070 of 2020 :

This Petition is filed under section 482 Cr. P.C. to call for the entire records in C.C.No.339 of 2019 on the file of the Judicial Magistrate, Radhapuram and quash the same as illegal as for as the petitioner is concerned

Prayer in CRL OP(MD)No . 2072 of 2020 :

This Petition is filed under section 482 Cr. P.C. to call for the entire records pertaining to P.R.C. No.32/2014 on the file of the Judicial Magistrate Court, Radhapuram and quash the same as against the petitioner herein.

Prayer in CRL OP(MD)No . 2075 of 2020 :

This Petition is filed under section 482 Cr. P.C. to call for the entire records in C.C.No.364 of 2014 on the file of the Judicial Magistrate Court, Radhapuram and quash the same as illegal in so for as the petitioner is concerned

Prayer in CRL OP(MD)No . 2071 of 2020 :

This Petition is filed under section 482 Cr. P.C. to call for the entire records pertaining to P.R.C.No.42/2014 on the file of the Judicial Magistrate Court, Radhapuram and quash the same as illegal as far as the petitioner is concerned



For Petitioners
For Respondent

: Mr.L.P.Maurya (in all cases)
: Mr.A.Robinson
Government Advocate (Crl.side) For R1
(in all cases)

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COMMON ORDER

The petitioner is figuring as one of the accused in all these cases. All the cases were registered in connection with Koodankulam agitation. Crime No.330 of 2012 was registered on the file of Kudankulam Police Station for the offences under Sections 147, 148, 294(b), 353, 188 and 506 (ii) IPC and Section 3 of TNPPDL Act r/w.34 of IPC. Since Section 3 TNPPDL Act is involved, the case is still pending at the committal stage in PRC.No.41 of 2015 on the file of the learned Judicial Magistrate, Radhapuram. PRC.No.43 of 2014 relates to Crime No.334 of 2012. Crl.O.P(MD).No.2072 of 2012 pertains to Crime No.126 of 2013 registered at the instance of one Prathap for the offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC. Crl.O.P(MD).No.2071 of 2020 pertains to Crime No.331 of 2012 on the file of the Kudankulam Police Station registered for the offences under Sections 147, 148, 294(b), 353, 188, 506(ii) of IPC and Section 3 of TNPPDL Act r/w 34 of IPC. Crl.O.P(MD).No.2070 of 2020 pertains to Crime No.332 of 2012 registered on the file of the Kudankulam Police station for the offences under Sections 147, 294(b), 120(B) and 506(ii) of IPC. Crl.O.P(MD).No.2075 of 2020 pertains to Crime No.304 of 2012 registered on the file of the Kudankulam Police Station for the offence under Sections 143, 188 of IPC and Section 2 of Prevention of Insult of National Honour Act,1971.

2.The learned counsel appearing for the petitioner reiterated the contention setout in the memorandum of grounds and wanted this Court to quash the impugned proceedings as far as the petitioner is concerned.

3.The learned Government Advocate(Crl.side) appearing for the Government submitted that the petitioner has not made out a case for invoking inherent power of this Court and wanted this Court to relegate him to work out his remedy before the trial Court.

4.I carefully went through the materials on record and heard the rival contentions.

5.On carefully going through the materials on record, it is seen that the petitioner has not been charged with having committed any specific overt act. Only some general allegations of *omnibus* nature have been made against the petitioner. Some of the allegations are on the face of it inherently improbable. For instance, in Crime No.330 of 2012 it is alleged that the accused unlawfully assembled on 06.09.2012 a little past midnight and started raising slogans against the nuclear power plant and also



damaged the sand bags stacked by the Police for security reasons. All the cases registered against the petitioner are more than eight years old. Some of the cases allege breach of prohibitory orders. But then, it is not the case of the prosecution that any adverse consequence ensued. During the relevant time, the petitioner was a student of Polytechnic College. The FIRs have been registered against the petitioner in quick succession. On the strength of mere *omnibus* statements recorded under Section 161 Cr.P.C, the petitioner has also been roped in as accused. The petitioner has not rushed to the Court immediately. Continued pendency of the impugned prosecution constitutes an abuse of legal process. In this view of the matter, the impugned proceedings against the petitioner stand quashed. These Criminal Original Petitions are allowed accordingly.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

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Sub Assistant Registrar(CS)

rmk

To

1.The Judicial Magistrate Court, Radhapuram.

2.The Inspector of Police,
Kudankulam Police Station,
Tirunelveli District 627 104

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+6 CC to M/s.L.P.MAURYA, Advocate (SR-11860 to 11865[F] dated
16/03/2020)

Crl.O.P(MD).Nos.2064, 2068, 2070, 2072,
2075 and 2071 of 2020
13.03.2020

VB(21.05.2020) 5P 10C