



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.19339 of 2021

and

Crl.M.P. (MD) No.10785 of 2021

WEB COPY

- 1.A.Nancy
- 2.Suresh @ Balamurugan
- 3.Mariamammal

... Petitioners/Accused No. 1 to 3
Vs.

- 1.State rep by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District. (Crime No.439 of 2021)

... 1st Respondent/ Complainant

- 2.P.Sankar
Sub-Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.

... 2nd Respondent/ Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.439 of 2021 pending investigation on the file of the 1st respondent police and quash the same against the petitioners.

For Petitioners : Mr.R.Murugan
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

2.This criminal original petition has been filed to quash the impugned FIR in Crime No.439 of 2021 registered on the file of the first respondent for the offences under Sections 143, 269 and 270 of IPC.

3.The case of the prosecution is that the petitioners assembled in violation of the prohibitory orders in front of the collectorate and raised demand that Sterlite factory should be opened. The respondent police would allege that the petitioners did not follow the norms regarding social distancing. They were also not wearing masks. However, it is stated that when the respondent police attempted to effect arrest, they immediately dispersed.

4.The learned Additional Public Prosecutor for the respondent submitted that no case for quashing has been made out and that the investigation is at preliminary stage.



5.I carefully considered the rival contentions and went through the materials on record.

6.I can take judicial notice of the fact that the Government of Tamilnadu had taken a policy decision to drop the prosecutions initiated in the wake of breach of lockdown restrictions. I have also quashed a number of FIRs, involving Sections 143, 269 and 270 of IPC. I will not fault the respondent for having registered the impugned FIR. The question is whether continuance of the prosecution is warranted. The conduct of the petitioners will have to be taken note of. The petitioners had not defied the respondent police, when they were called upon to disperse. The petitioners had conducted their protest in a peaceful manner. There is not act of violence. Just as one is entitled to conduct meeting protesting against Sterlite factory, the right to hold meeting for re-opening of Sterlite factory also must be respected. The petitioners by their conduct have not contributed to the spread of the disease. The petitioners have committed only technical breach. Since no adverse consequence ensued, the impugned FIR deserves to be quashed. It is accordingly quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To:

1. The Inspector of Police,
SIPCOT Police Station, Thoothukudi District.
- 2.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MURUGAN, Advocate (SR-38070[F] dated 09/12/2021)
Crl.O.P(MD)No.19339 of 2021
07.12.2021

RD(21.12.2021) 2P 4C