



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19924 of 2021

and

Crl.M.P.(MD)Nos.11222 and 11225 of 2021

Thangapandi

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Pudukkottai,
Thoothukudi District.
(Crime No.440 of 2017)

2.S.Deepa Lakshmi

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned charge sheet in C.C.No.157 of 2021 pending on the file of the learned Judicial Magistrate Court No.III, Thoothukudi and quash the same.

For Petitioner : Mr.V.M.Jegadeesha Pandian

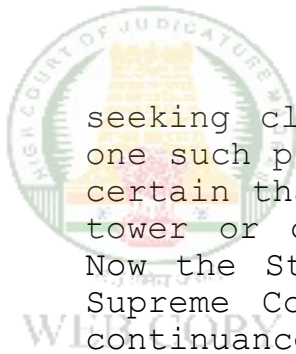
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

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

2.The petitioner is facing trial in C.C.No.157 of 2021 on the file of the Judicial Magistrate No.III, Thoothukudi for the offences under Sections 309 and 353 of IPC and Section 4 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992. The petitioner is a resident of Thoothukudi. He was against the running of Sterlite factory. Seeking its closure, he joined the agitation. He climbed on a cellphone tower and threatened to jump therefrom and commit suicide. In this regard, Crime No.440 of 2017 was registered on the file Pudukkottai Police Station and after investigation final report was filed. Cognizance of the aforementioned offences was also taken on file in C.C.No.157 of 2021. To quash the same, this criminal original petition has been filed.

3.I will not fault the first respondent for having registered the FIR and filing the final report. The only question is whether the continuance of the impugned prosecution is warranted. I can take judicial notice of the fact that Tamilnadu witnessed agitation



seeking closure Sterlite factory, Thoothukudi. The petitioner is one such protestor and he resorted to the drama set out above. I am certain that the petitioner would not have jumped from the cellphone tower or committed suicide. It was obviously a political drama. Now the Sterlite factory itself has been shutdown and the Hon'ble Supreme Court is seized of the matter. In these circumstances, continuance of the impugned prosecution is clearly not warranted. The petitioner through his counsel gives an undertaking that henceforth, he will conduct himself appropriately and not indulge in such dramas.

4. Recording the said undertaking, the impugned proceedings are quashed. The criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

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 Judicial Magistrate No.III,
Thoothukudi.

2.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

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

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-39017[F] dated 16/12/2021)

Crl.O.P(MD)No.19924 of 2021
15.12.2021

RK(19/01/2021) 2P 5C