



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26/06/2023

CORAM

The Hon'ble Mr. Justice **G. ILANGO VAN**

Cr1.OP(MD)No.4472 of 2023
and
Cr1.MP(MD)No.3943 of 2023

1.Salman
2.Sahaya Vijith @ Vijith : Petitioners/A3 and A29

Vs.

1.The State, represented by its,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District. : R1/Complainant
2.Jeya Krishnan : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in relating to the impugned FIR in Crime No.158 of 2018 on the file of the 1st respondent and quash the same in so far as the petitioners are concerned and pass such or other orders.

For Petitioners : Mr.M.S.Jeyakarthik

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**O R D E R**

WEB COPY

This criminal original petition is filed seeking quashment of FIR in Crime No.158 of 2018 on the file of the 1st respondent.

2.The case of the prosecution is that the the de-facto complainant was working as Conductor in the Tamil Nadu Transport Corporation, Kovilpatti branch. On 22/05/2018, they were on routine duty in the Transport Corporation Bus bearing registration No.TN-74-N-1652. At about 12.30 noon, they started from Kovilpatti to Tuticorin with the passengers numbering about 45. At about 01.30 pm, they stopped the bus for dropping some persons. At that time, the accused persons numbering about 50 prevented the bus from proceeding further with deadly weapons. They tried to cause damage to the bus and assaulted the passengers and also abused. Upon which, a case in Crime No.158 of 2018 was registered for the offences under sections 147, 148, 341, 342, 294(b), 353 and 506(ii) IPC and Section 3 of TNPPDL Act.

3.Now seeking quashment of the same, this petition has been filed by the petitioners, who are arrayed as A3



and A39 on the ground that none of the allegations mentioned in the FIR attract any of the ingredients of the offences as alleged.

4. Heard both sides.

5. The ground on which this petition came to be filed is that the petitioners did not participate in the above said occurrence. During the relevant time, through out Tamil Nadu and other parts of the country, protests were made against the functioning of the Sterlite Industry in Tamil Nadu. During the above said period, several false cases have been registered against several persons, one among is the present case. Apart from that, it is contended that none of the allegations mentioned in the FIR attract any of the ingredients of the offences.

6. Whether the petitioners participated in the above said offence or occurrence, as the case may be, cannot be a matter for consideration by this court, while exercising the jurisdiction under section 482 Cr.P.C, since it is a factual issue. It ought to have taken to its logical conclusion in the trial process.



WEB COPY

7.No doubt that making protest against the closure of the Sterlite Industry in Tamil Nadu is widely known agitation through out Tamil Nadu. Every citizen got every right to make protest against the policies or demanding Government to take appropriate action. That cannot be construed as 'illegal'. But here, it is seen that public properties have been damaged by the petitioners.

8.Reading of the FIR further shows that front wind glass, back side glass, headlight and top light, etc., were extensively damaged, which is worth about Rs. 1,25,000/-. Such an offence cannot be taken lightly. Many of the cases have been acquitted, wherever it was found no damage or injuries either to the Government officials or to the private persons. But here, this is not such a case.

9.As mentioned above, extensive damage has been caused. So, the petitioners have to undergo the trial process. I find no reason to quash the proceedings.



WEB COPY

10. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

26/06/2023

Index:Yes/No
Internet:Yes/No

er

To,

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



WEB COPY



6

G.ILANGOVAN, J

er

Cr1.OP(MD) No.4472 of 2023

26/06/2023