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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.7945 of 2023

and

Cr1.MP(MD)No.6957 of 2023

Sudaldass @ Dhass : Petitioner/A6

Vs.

1.The State through
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District. : R1/De-jure Complainant

2.Sankar,
The Sub Inspector of Police,
SIPCOT Police Station,
Thoothukudi District. : R2/De-facto complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records connected to FIR in Crime No.143 of 2022 on the file of the respondent No.1 and quash the same as illegal as against the petitioner and pass such further or other orders.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.B.Nambilselvan
Additional Public Prosecutor

**O R D E R**

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.143 of 2022 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

On 11/04/2022 at about 11.00 am, when the police team comprising the de-facto complainant were on their routine patrol duty, they found the accused persons several, gathered near the Collector Office, Tirunelveli, staged demonstration/protest seeking closure of the Sterlite Factory. They also prevented the public from moving in that place, causing nuisance and disturbance. Based upon the above said occurrence, a case in Crime No. 143 of 2022 was registered for the offences under sections 143 and 341.

3. Seeking quashment of the same, this petition has been filed on the ground that only peaceful demonstration/protest was conducted by the petitioner along with others, demanding closure of the Sterlite Factory; Another ground is that the cognizance has also





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Fourth.-By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right: or

Fifth.-By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.-An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly."

7. Reading of the FIR does not indicate the availability or existence of any of the ingredients. The protest has been undertaken only for closure of the Sterlite Factory running at Thoothukudi. Their intention was only to express their view and not to make any law and order issue.



8. Section 341 IPC reads as under:-

"341. Punishment for wrongful

restrain.-Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees or with both.

9. For attracting the offence under section 341 IPC, there must be material to show that some was restrained unlawfully. But there is no complaint by any of the public.

10. No doubt that the petitioner and others causing some nuisance to the public. But the fact remains that demanding closure of the factory, which causes pollution and during that period, demonstrations/protests were conducted through out Tamil Nadu. Now, it has been noticed by this court that the Government of Tamil Nadu has also taken a policy decision to withdraw the cases, filed against the protestors of the Sterlite issue. So,



demanding closure of the Sterlite Factory on the ground that it caused pollution and hurt to the public, the above said demonstration/protest has been conducted.

11.In view of the above said development and also considering the fact that even after a lapse of one year, final report has not been filed. So, no useful purpose is going to be served to keep the investigation kept pending. On that ground, the entire prosecution is bad in law and is liable to be quashed.

12.In the result, this criminal original petition is **allowed**. The FIR in Crime No. 143 of 2022 on the file of the 1st respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

27/04/2023

Index:Yes/No
Internet:Yes/No
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WEB COPY To,

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



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G.ILANGOVAN, J

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