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CRL OP(MD). No.8245 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.04.2023

Pronounced on : 25.07.2023

CORAM:

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.8245 of 2023

in

CrI.M.P.(MD)No.7200 of 2023

Ariharan Kencian

... Petitioner

Vs

The State represented by its
Inspector of Police,
Kudankulam Police Station,
Tirunelveli District - 627 104.
Crime No.222/13.

...Respondents

Prayer: Petition filed under Section 482 of Criminal Procedure Code to call for the records in C.C.No.224 of 2023 on the file of the Judicial Magistrate, Radhapuram and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.L.P.Maurya

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.224 of 2023 on the file of the Judicial Magistrate, Radhapuram and quash the same as illegal.

2. The case of the prosecution is that on 24.08.2013 at about 10.30 p.m., in the night, a country bomb exploded in Idinthakarai village over which a case in Crime Nos. 219 and 221 of 2013 were registered. On 26.08.2013, at about 10.00 a.m., the accused person assembled unlawfully in that area, preventing the defacto complainant from entering into the village for making an investigation in Crime No.219 of 2013 and 221 of 2013. All the accused persons abused the defacto complainant and others, in filthy language and prevented the Government servant from discharging their official duty. On the basis of the said occurrence, a complaint was given and a case was registered and after completion, the investigation final report was filed. Seeking quashment of the same, this petition has been filed.



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3. On the account that over the agitation made against establishment of Koodankulam Nuclear Power plant, around 300 cases have been filed against the public. Among which, the present case is also one. On the date of the alleged offences, the petitioner was working in a private company in Chennai. Later only he came to know that several cases have been registered against him and others. Apart from that, it is also stated that none of the allegations mentioned in the final report, attracts any of the ingredients of the offence, alleged.

4. Heard both sides. The present case is that after the establishment of the infamous Koodankulam Nuclear power plant at Idinthakarai as mentioned in the petition, several agitations were made throughout Tamilnadu, against the above said establishment several cases have been registered against the protestors and public etc. One of them is the present case. The Hon'ble Supreme Court in a judgment reported in ***G.Sundarajan Vs Union of India reported in 2013 6 SCC 640*** has seized the present controversy and gave findings that out of fear only the public made protest and it is duty of the State to educate and inform the public about the importance of establishing nuclear power plant. Noting



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that several such cases have been registered against the public, issued directions to the State to withdraw the criminal case filed against the agitators. In pursuance of the above said direction, several cases have been withdrawn by the State Government except the case which involved the heinous offences and destruction of public property etc. But however, it appears that this case is missed out.

5. Coming to the allegation that has been made against the petitioners that they prevented the officers from entering into Idinthakarai Village to conduct investigation in Crime Nos. 219 and 221 of 2013. But absolutely, no damage has been caused to public property and no injury was also sustained by any of the witnesses. It has been stated that they have prevented from discharging the official duty. Only bald allegations has been made against the petitioner but the judgment of the Hon'ble Supreme Court has not been made applicable to the present case for unknown reasons. It has been happened in the year 2013 and we are now in 2023. Every issue that arose after the above said subject matter now died down. No purpose is going to be served by subjecting this petitioner to undergo the process of trial. It is already 10 years



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lapsed from the date of occurrence. So on that sole ground, the final report filed against the petitioner in C.C.No.224 of 2023 pending on the file of the learned Judicial Magistrate, Radhapuram, is liable to be quashed and accordingly it is quashed.

6. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition stands closed.

25.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Judicial Magistrate, Radhapuram.
- 2.The Inspector of Police, Kudankulam Police Station,
Tirunelveli District - 627 104. (Crime No.222/13).
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVAN,J

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Pre-Delivery Order made in

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in

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Date: 25.07.2023