



Crl.O.P.(MD).No.1852 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.1852 of 2024

and

Crl.M.P.(MD).Nos.1381 and 1382 of 2024

Athisayakumar

... Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.147 of 2018)

...Respondent No.1/Complainant

2.Dhanvel

...Respondent No.2/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records pertaining to the impugned charge sheet filed in C.C.No.1271 of 2023 on the file of the learned Judicial Magistrate Court – III, Thoothukudi and quash the same as against the Petitioner is concerned.

For Petitioner : Mr.Henri Tiphagne

For R-1 : Mr.B.Thanga Aravindh
Government Advocate
Criminal Side



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ORDER

This Criminal Original Petition had been filed seeking to quash the charge sheet filed in C.C.No.1271 of 2023 on the file of the learned Judicial Magistrate Court – III, Thoothukudi, as against the Petitioner is concerned.

2. The learned Counsel for the Petitioner submitted that the Petitioner is a practicing lawyer. He is arrayed as Accused No.1 in C.C.No.1271 of 2023 pending on the file of the learned Judicial Magistrate Court – III, Thoothukudi. The learned Counsel for the Petitioner also invited attention of this Court to the contents of the FIR in Crime No.147 of 2018 dated 15.04.2018 which was prior to one month of the date of the alleged Police firing. It is the submission of the learned Counsel for the Petitioner that FIR was registered based on the complaint of the Chief Commercial Officer of Sterlite Company seeking Police protection for obstruction of movement of lorries from VOC Port Thoothukudi to Sterlite Industries, Thoothukudi Industrial Complex. Further it is the contention of the learned Counsel for the Petitioner that after the Police firing, there were many cases registered against the members of the public, who protested. Subsequently, the Government had withdrawn the cases by issuing G.O.Ms.No.289 Public (Law and Order-F) Department dated 26.05.2021, in



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which unfortunately this case was not mentioned. Considering that the Government had withdrawn the criminal cases in connection with the Sterlite Copper and agitation by the general public against the Sterlite Copper Plant, as recommended by the one man commission, Hon'ble Justice Aruna Jagadeesan Commission of Inquiry.

3. The learned Government Advocate (Criminal Side) on instructions of the first Respondent would submit that the Petitioner is alleged to have obstructed free movement of lorry, abused the lorry drivers and crew. Therefore, the case was instituted based on the complaint of the Commercial Manager of the Sterlite Industries.

4. Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate, since the Government of Tamil Nadu had withdrawn the cases, no prejudice will be caused to the State by quashing the case in C.C.No.1271 of 2023 in the light of the Government Order stated supra. The impugned order in C.C.No.1271 of 2023 is hereby quashed. In the light of the aforesaid Government Order, the other accused in this case are granted the benefits of this case.



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5. In view of the above, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

13.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

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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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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