

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 02.11.2018

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

+Crl.O.P.(MD)No.19961 of 2018

and

Crl.M.P.(MD)Nos.9158 and 9159 of 2018

#S.P.Udayakumar : Petitioner

Vs.

\$1.State represented by

Inspector of Police,

Tirunelveli District,

(Crime No.334 of 2012)

2.K.Radhakrishnan : Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying, to call for the records pertaining to the charge sheet in S.T.C.No.178 of 2018 on the file of the learned Judicial Magistrate No.2, Karur, Karur District and quash the same.

!For Petitioner : Mr.M.Bindran

^For Respondent : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.Side)

:ORDER

This petition has been filed to quash the proceedings in S.T.C.No.178 of 2018 pending on the file of the learned Judicial Magistrate No.2, Karur, Karur District.

2.It is seen that the final report has been filed for the offence under Sections 143, 147, 153 (B), 188 IPC r/w 149 IPC. Section 196 1 (A) Cr.P.C., specifically provides that any offence offendable under Section 153(B) can be taken cognizance only previous sanction of the Central Government or of the State Government as the case may be. There are no materials to indicate that such sanction has been taken in this case. Therefore, the Court below ought not to have taken cognizance of the final report insofar as the offence under Section 153(B) is concerned.

3.The facts of this case are covered by the Judgment of this Court reported in 2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and the Judgment of the Hon-ble Supreme Court reported in (2013) 6 SCC 620 [G.Sundarrajan Vs. Union of India and others]. The Hon-ble Supreme Court in the above said judgment has categorically held as follows:~

?244.14. Endeavor should be made to withdraw all the criminal cases filed against the agitators so that peace and normalcy be restored at Kudankulam and nearby places and steps should be taken to educate the people

of the necessity of the plant which is in the largest interest of the nation particularly the State of Tamil Nadu.?

3. Accordingly, the proceedings in S.T.C.No.178 of 2018 pending on the file of the learned Judicial Magistrate No.2, Karur, Karur District is hereby quashed and the Criminal Original Petition is allowed.

To

1. The Judicial Magistrate No.2, Karur,
Karur District.

2. The Inspector of Police,
Tirunelveli District.

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