

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.Nos.12368 & 18606 of 2011
and
M.P.Nos.1 & 1 of 2011

K.R.R.Aiyyappamani .. Petitioner in Crl.O.P.No.12368/2011/
6th Accused.

R.Arun Kumar .. Petitioner in Crl.O.P.No.18606/2011/
4th Accused.

Vs.

1.State rep. by
Inspector of Police,
Hasthampatti Police Station,
Salem.
(Crime No.376/2009). ... Respondent/Complainant

2.K.Suresh Kumar,

3.Selvageethan Respondents in both Crl.O.Ps./
Defecto Complainant

Prayer: Petitions filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.110 of 2009 pending on the file of the learned Judicial Magistrate No.III, Salem and to quash the same.

For Petitioners : Mr.V.Gopinath, Senior Counsel
for Mr.R.Nalliyappan

For Respondents : Mr.C.Emalias, APP (For R1)
Mr.I.C.Vasudevan (For R3)

ORDER

These petitions have been filed by the petitioners praying to quash the criminal proceedings in C.C.No.110 of 2009 pending on the file of the learned Judicial magistrate No.III, Salem.

2.The case of the prosecution is that the the petitioners herein are practising Advocates and on 12.03.2009, the petitioners herein along with other accused person assembled in front of the combined Court Buildings at Salem

and prevented the respondents 2 & 3, who are also practising Advocates, and other advocates from entering into the Court premises to conduct their cases and abused them in filthy language. Hence, a complaint was lodged against the petitioners and the same was registered in Crime No.376 of 2009 on the file of the 1st respondent-Police. After completion of investigation, final report has been filed by the 1st respondent and the same has been taken on file in C.C.No.110 of 2009 by the learned Judicial Magistrate No.III, Salem. Now, the petitioners have come forward with the present petitions seeking to quash the criminal proceedings.

3.The learned senior counsel appearing for the petitioners submitted that due to the incident that had taken place in the Madras High Court on 19.02.2009, Salem District Bar Association had passed a resolution to boycott the Court. In the complaint, it is alleged by the defacto-complainants that they were prevented by the accused persons, who are also practising advocates, from entering into the Court premises and they were abused by the accused persons. But, there is no specific allegation made against the petitioners herein. Thus, learned senior counsel sought for quashing the criminal proceedings.

4.Heard the learned Additional Public Prosecutor and the learned counsel appearing for the defacto-complainants also and perused the materials available on record.

5.It is the submission of the learned senior counsel appearing for the petitioners that only vague allegations have been made and no specific allegation has been made against the petitioners. From a perusal of the materials available on record, I find some force in the submission made by the learned senior counsel for the petitioners. Hence, I am of the opinion that the impugned criminal proceedings are liable to be quashed as against the petitioners herein.

Accordingly, the criminal original petitions are allowed and the criminal proceedings in C.C.No.110 of 2009 pending on the file of the learned Judicial Magistrate No.III, Salem, are quashed in respect of the petitioners herein. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To,

1.The Judicial Magistrate No.III,
Salem.

2.-do-thro-The Chief Judicial Magistrate, Salem.

3.The Inspector of Police,
Hasthampatti Police Station,
Salem.

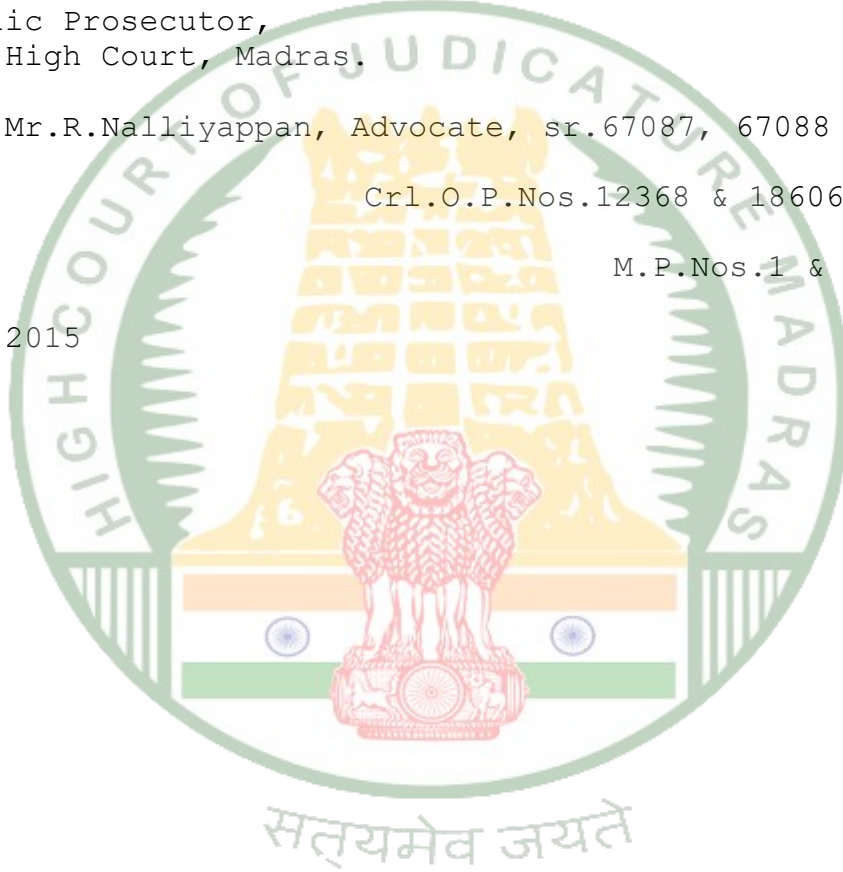
4.The Public Prosecutor,
Madras High Court, Madras.

+2 ccs to Mr.R.Nalliyappan, Advocate, sr.67087, 67088

Crl.O.P.Nos.12368 & 18606 of 2011
and

M.P.Nos.1 & 1 of 2011

vs co
kra 22.12.2015



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