

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.19385 of 2016

C.Prithiviraj

... Petitioner/A3

Vs.

1. The Sub-Inspector of Police,
Podanur Railway Police Station
Podanur Cr. No.28/2016 dt 21.2.2016
Podanur Cr. No.54/2016 dt 21.2.2016

2. The Sub-Inspector of Police
Railway Police Station,
Tiruppur. ... Respondents/Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the C.C.No.276 of 2016 on the file of the Judicial Magistrate No.VI, Coimbatore and quash the proceedings.

For Petitioner : Mr.R.Balasubramanian

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner praying to call for the records relating to C.C.No.276 of 2016 on the file of the Judicial Magistrate No.VI, Coimbatore and quash the proceedings.

2. Heard Mr.R.Balasubramanian, the learned counsel appearing for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondents.

3. On the complaint lodged by Travel Ticket Examiner, the respondent police have registered a case in Crime No.28 of 2016 and after completing the investigation, has filed a final report in C.C. No.276/2016 for offence u/s 75 of the

Tamil Nadu City Police Act and u/s 147, 149, 332, 353, 506(i) I.P.C. r/w 145 (b) of the Indian Railways Act. On a reading of the final report it is alleged that on 20/21.02.2016 around 21.25 hours, this petitioner along with others who were in drunken mood had abused the Railway officials and had prevented them from doing their duty. It is also alleged that one of the officials was assaulted.

4. Learned counsel for the petitioner submitted that there is no single overt act against this petitioner. There is no allegation against the petitioner. It is seen that this petitioner is being charged along with the co-accused with the aid of Sections 147 and 149 I.P.C., as this petitioner was present along with others at the time of the incident. Under such circumstances, this court cannot interfere at this stage of the trial. It is open to the petitioner to raise all the defence before the Trial Court.

5. In the result, this petition is devoid of merits and the same is dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms/jv

To

1. The Sub-Inspector of Police,
Podanur Railway Police Station
2. The Sub-Inspector of Police
Railway Police Station,
Tiruppur.
3. The Judicial Magistrate - VI,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.19385 of 2016

PUR(CO)
CA(16/09/2016)