

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM:

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

CrI.O.P. No. 25430 of 2016

1 M. Dinesh Kumar

2 N. Tamilarasan

3 R. Mohan

4 D. Naveen Kumar Petitioners/Accused

vs.

1 State represented by
the Inspector of Police
K-4, Anna Nagar Police Station
Chennai Respondent/Complainant

2 Victor Samuvel Jebhasing Respondents/Defacto Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking to call for the records in Cr. No.592 of 2016 on the file of K-4 Anna Nagar Police Station, Chennai and to quash the same.

For petitioners Mr. M. Aswin
for Mr. G. Kaviyarasu

For R1 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records in Cr. No.592 of 2016 on the file of K-4 Anna Nagar Police Station, Chennai and to quash the same.

2 On the complaint lodged by one Victor Samuvel Jebhasing (second respondent herein) working as Conductor in Metropolitan Transport Corporation, the first respondent police registered a case in Cr.No.592 of 2016 on 28.07.2016 under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, against the petitioners, who are students of Kandasamy Naidu College, Chennai, for having caused damage to the Transport Corporation bus. After registration of the FIR, the first respondent police arrested the petitioners on 28.07.2016 and they were

remanded to judicial custody. After being under-trial prisoners for more than a fortnight, the petitioners were ultimately enlarged on bail. After their release on bail, the petitioners' parents had approached the officials of the Transport Corporation and had come forward to make good the damage caused to the Transport Corporation bus. The damages were assessed at Rs.18,027/- and the same was paid to the Transport Corporation on 26.10.2016, as could be seen from Receipt No.56011 Account Code 0212 dated 26.10.2016 issued by the Metropolitan Transport Corporation (Chennai) Ltd. Thereafter, the petitioners are before this Court for quashment of the FIR on the ground that their very life and career will be ruined if they are to face the consequences of a criminal prosecution.

3 Today, the petitioners and Victor Samuvel Jebhasing (de facto complainant) are present before this Court and they are identified by Mrs. Gnanasoundari, Head Constable, K-4, Anna Nagar Police Station.

4 When questioned by the Court, the de facto complainant stated that the petitioners and other students were behaving in a boisterous manner on their way to college, due to which, a quarrel ensued, in which, the Transport Corporation bus was damaged.

5 Under normal circumstances, this Court will loathe to interfere in such matters, especially, when a public property is damaged. However, in this case, on the intervention of the petitioners' parents, the Transport Corporation also has received the sum of Rs.18,027/-, being the value of damage caused to the bus and it is reported that none suffered injury in the incident. The petitioners also have filed individual affidavits before this Court expressing their heartfelt regret for the incident and assuring that they would conduct themselves in future.

6 In view of the above, the FIR in Cr. No.592 of 2016 on the file of the first respondent police is quashed in its entirety. However, as an act of atonement, the petitioners are directed to report before the Hony. Secretary, Bala Vihar, 10 Halls Road, Kilpauk, Chennai - 10, for a period of thirty days (except Saturdays and Sundays and on the days on which they have their examinations) commencing from 05.12.2016 and do social service by teaching the mentally retarded students there, upto 1.30 p.m. The Hony. Secretary, Bala Vihar, shall maintain an attendance register for the petitioners and monitor their service and send a report to this Court, after their 30 day term is over, about their performance.

This Criminal Original Petition stands allowed with the above directions.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1 The Inspector of Police
K-4, Anna Nagar Police Station
Chennai

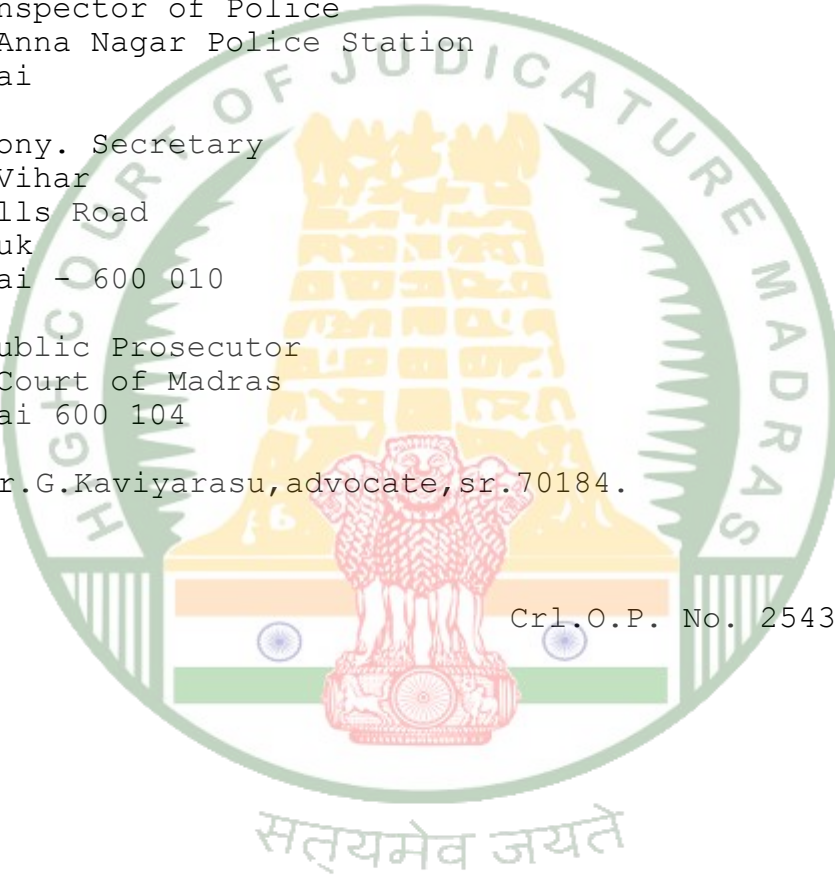
2 The Hony. Secretary
Bala Vihar
10 Halls Road
Kilpauk
Chennai - 600 010

3 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1 cc to Mr.G.Kaviyarasu,advocate,sr.70184.

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