

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CRL.OP.No.6012 of 2017
and
Crl.MP.Nos.4488 & 4489 of 2017

Senguttuvan .. Petitioner

Vs

1. State rep. by
Inspector of Police
Hasthampatti Police Station
Salem.

2. K.Suresh Kumar

3. Selvageethan .. Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in respect of the C.C.No.110 of 2009 on the Judicial Magistrate No.III, Salem and quash the same.

For Petitioner : Mr.R.Nalliyappan

For R1 : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in respect of the criminal proceedings in C.C.No.110 of 2009 on the file of the learned Judicial Magistrate No.III, Salem and quash the same.

2. The case of the petitioner is that he is a practising Advocate. On 12.03.2009, the petitioner along with other accused assembled in front of the combined Court Buildings at Salem and prevented the respondents 2 and 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 petitioner

and others and the same was registered as FIR in Crime No.376 of 2009 on the file of the 1st respondent police. After completion of investigation, final report was filed before the learned Judicial Magistrate No.III, Salem and the same was also taken on file as C.C.No.110 of 2009. Now, the petitioner is before this Court to quash the said criminal proceedings.

3. The learned counsel appearing for the petitioner submitted that it is alleged in the complaint lodged by the defacto complainants that they were prevented by the accused persons, who are practising advocates, from entering into the Court premises and they were abused by the accused persons, however, there is no specific allegation made against the petitioner herein. Further, the learned counsel submitted that when the accused A4 and A6 in the said criminal proceedings, have approached this Court by filing CrI.OP.Nos.12368 & 18606 of 2011 seeking to quash the same, this Court by order dated 14.12.2015, allowed the petitions by setting aside the said criminal proceedings in respect of the said accused. Therefore, the learned counsel seeks to quash the criminal proceedings by extending the same benefit to this petitioner as well.

4. Heard the learned Additional Public Prosecutor appearing for the first respondent, who has no objection in granting similar relief to this petitioner, as he is a similarly placed person as that of A4 and A6 in the said criminal proceedings.

5. Considering the facts and circumstances of the case and the submissions made on either side and also taking note of the fact that the said criminal proceedings has already been quashed, as against A4 and A6, by order dated 14.12.2015 in CrI.OP.Nos.12368 & 18606 of 2011, this Court is inclined to quash the criminal proceedings as against this petitioner as well, by following the earlier of this Court.

6. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings in C.C.No.110 of 2009 on the file of the learned Judicial Magistrate No.III, Salem is quashed insofar as this petitioner/A7 is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mk/rk

To

1. The Judicial Magistrate No III,
Salem.
2. The Inspector of Police
Hasthampatti Police Station
Salem.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.22622

CrI.OP.No.6012 of 2017

PPA(CO)
CS/19/06/17



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