

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.No.597 of 2014

and

M.P.No.1 of 2014

A.Naganathan ... Petitioner

Vs.

E.DevakumarRespondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.9221 of 2007 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.D.Arun

ORDER

The petitioner is the accused No.1 in C.C.No.9221/2007 on the file of V Metropolitan Magistrate, Egmore, Chennai.

2. The respondent/complainant filed a private complaint under Section 200 Criminal Procedure Code, before the II Metropolitan Magistrate, Egmore, against the present petitioner for the alleged offences punishable under Sections 341, 324 and 506(i) IPC and subsequently, the petition was transferred to V Metropolitan Magistrate, Egmore, Chennai and numbered as C.C.No.9221/2007.

3. In the complaint, the respondent/complainant has alleged that the Sub-Inspector of Police, K9, Thiru.Vi-Ka. Nagar Police Station, came over to his office on 10.02.2004 and met him and his wife Sundari and also took

a sum of Rs.1,600/- from his pant pocket and a bag. It is further alleged that the complainant was kept inside the lock up in Thiru.Vi-Ka. Nagar Police Station, throughout the night on that day.

4. In the present petition, the petitioner has contended that the respondent is an anti-social element and also a history-sheeted rowdy vide HS.No.43/2007 in the Register maintained in K-9 Thiru.Vi-Ka. Nagar Police Station. It is also his contention that on 11.12.2004 at about 5.30 hrs, on an information from the public that the respondent/complainant and his wife were creating problems in front of TVK Nagar Quarters by threatening the public with dire consequences a case was registered against the respondent/complainant in Cr.No.148/2004 of K-9, TVK Police Station for an offence under Section 75 of the City Police Act and the respondent/complainant also pleaded guilty of the offence under Section 75 of the City Police Act and paid a fine of Rs.200/- before V Metropolitan Magistrate, Egmore on 26.04.2004. It is the contention of the petitioner that in order to wreck vengeance against the present petitioner, the complaint was filed.

5. The complainant's wife namely, Sundari filed a Crl.O.P.No.28268/2004 before this Court seeking for a direction to the Inspector of Police, K-9, Thiru.Vi-Ka. Nagar Police Station to register a case on the complaint dated 10.02.2004 preferred by her and in the complaint she had alleged that on 10.02.2004 when she was taking water from the metro water tank near her house, three ladies came over there and asked her to collect 0.25 paise per pot and hand over the money so collected to them. It is further alleged by her that as she refused to do the same, the said three ladies abused her in filthy language and also pulled her saree thereby outraging her modesty. Thus, there is no whisper about the alleged occurrence that took place on 10.02.2004 as mentioned in the private complaint by the respondent/complainant.

6. In the circumstances, the allegation of the petitioner that the respondent had filed C.C.No.9221/2007 only to wreck vengeance against him cannot be simply brushed aside. The respondent is also a history-sheet rowdy element in H.S.No.343/2007 on the file of the Thiru.Va-ka Nagar Police Station.

7.

7. Considering the facts and circumstances of the present case, I find no reason to direct V Metropolitan Magistrate, Egmore, to proceed further in C.C.No.9221/2007. It is also pertinent to point out that Calendar Case is of the year 2007 and till date, the trial has not concluded. On this ground also, the entire proceedings in C.C.No.9221/2007, on the file of V Metropolitan Magistrate, Egmore, is liable to be quashed.

8. With the above observations, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-vi)

//True Copy//

Sub Assistant Registrar

dna

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.

2. Do thro' the chief Metropolitan Magistrate,
chennai

+1 cc to Mr.M.Palanivel Advocate SR.NO. 50768

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and

M.P.No. 1 of 2014

kk(co)
ASK(16/08/2018)

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