

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.19788 of 2018

Suneet @ B. Suneet Kumar M/A25
S/o Balasubramaniam
No.A-2/2, EDEN REGENCYPO KADMA
THANA KADMAK,
Jamshedpur, Purbi, Singhbhum
Jharkhand - 831 005. ... Petitioner/ Accused-2

Vs

1. State Rep. By
Inspector of Police,
Vellavedu Police Station,
Thiruvallur District. ... Respondent-1/ Complainant

2. M. Paarth Mishra,
S/o. Mukesh Mishra,
House No.A-24, Main Road,
Sector-2, New Shimla,
Shimla - 171 009. ... Respondent-2/
De Facto Complainant

Criminal Original Petition filed under Section 482 of
Cr.P.C., praying to call for the records in Crime No.189 of 2018
on the file of the Inspector of Police, in Vellavedu Police
Station, Thiruvallur and quash the same.

For Petitioner : M/s. D. Alexis Sudhakar

For Respondent : Mrs.M. Prabhavathi
Addl. Public Prosecutor for R1

O R D E R

It is the case of the petitioner that on the complaint
lodged by the defacto complainant, who is a 2nd year B.Sc.,
Nautical Science student who was admitted in the Savitha
Hospital and on intimation, the Police went there and recorded
his statement. Based on the statement given by the defacto
complainant, the Police have registered a case in Crime No.189

of 2018 under Sections 323, 324, 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Ragging Act, 1997 against three students viz., Rahul Yadav, Suneet and Rudra for allegedly causing injuries to him, for quashing which, A2 is before this Court.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for 1st respondent.

3. Learned counsel for the petitioner submitted that there are no serious overt act as against A2 in as much as even according to the de facto complainant, he had only accompanied A1. However, on a reading of the complaint, it is seen that the accused is a fourth year student and the de facto complainant is a second year student. On 28.03.2018, at around 05.00 p.m., all the accused had thrashed the de facto complainant. Again Rahul/A1 came back alone with a knife and tried to stab the de facto complainant. However, he stabbed another room-mate by name Chaitanya, which resulted in serious injuries.

4. The learned counsel for the petitioner submitted that the petitioner is a student and indulgence should be shown to him.

5. In the opinion of this Court, no indulgence could be shown since the petitioner indulged in campus violence and attacked the defacto complainant and intentionally caused injuries to him. Had the defacto complainant committed suicide, it would have been disastrous. The learned counsel for the petitioner further submitted that the parties have arrived at a compromise.

6. In the opinion of this Court, even if they arrived at a compromise, taking into consideration the magnitude of violence, this petition cannot be allowed. Hence, the petition is dismissed.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

gsi/kal

To

Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.

+1 CC to M/s. D. Alexis Sudhakar, Advocate sr 54640

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SP(30/08/2018)