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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.22122 of 2013 and
M.P.Nos.1 of 2013

V.Venkatasubramanian

...Petitioner/Accused No.3

Vs.

1. State rep. by
The Inspector of Police,
St.Thomas Mount Police Station,
Chennai.
(Cr.No.63/2010)

... 1st Respondent/Respondent

2. C.R.Harihara Varma

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. Praying to call for the records relating to charge sheet in C.C.No.342 of 2010 pending on the file of the learned Judicial Magistrate, Alandur and quash the same as against the petitioner.

For Petitioner : Mr.Ashok Menon for
M/s.Padmaja Mohan

For Respondents : Mr.R.Surya Prakash
Govt. Advocate (CrI.Side) for R1
Notice Served-No Appearance for R2

COMMON ORDER

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.342 of 2010 pending on the file of the learned Judicial Magistrate, Alandur and quash the same as against the petitioner.



2 Based on the complaint given by the second respondent, first respondent police registered a case against the petitioner and two others in Crime No.63 of 2010 for the offence under Sections 341, 448, 506(i) r/w 34 of IPC. After investigation, laid a charge sheet before the learned Judicial Magistrate, Alandur, which was taken on file in C.C.No.342 of 2010. During pendency of the above case, A3 has filed the present petition seeking to quash the above case against him.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an Advocate, who appeared for A1 in the Rent Control proceedings on an earlier occasion, and A1 is owner of the Hotel and A2 is Cashier. The petitioner went to the Hotel, which was run by A1 for taking food, at that time the bailiff came for taking the possession and hand over the same as per order of the Court below. Even the bailiff, who delivered the property has not stated that this petitioner has given trouble to him. After completing the case, the petitioner is no way connected with A1 & A2. Therefore, the petitioner, being an Advocate, who conducted only the case under Rent Control Proceedings, is not liable to be prosecuted.

4 The learned Government Advocate (Crl.Side) appearing for the first respondent police would submit that based on the complaint given by the second respondent, the first respondent has registered the case and investigated the matter and enquired the witnesses and filed the Final Report, before the Court below and the same was also taken cognizance by the Court below. Therefore, the petitioner must be prosecuted along with the other accused.

5 Despite service of notice, none appeared on behalf of the second respondent. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

6 On reading of the FIR registered against the petitioner and two others and the final report filed by the first respondent police under Section 173 of Cr.P.C, there is prima facie case to proceed against the petitioner. This Court is of the view that this is not a fit case to invoke power under Section 482 of Cr.P.C. and quash the above calender case against the petitioner.

7 In the result, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is



closed. However, the petitioner is at liberty to raise all his defence before the Court below during trial.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
St.Thomas Mount Police Station,
Chennai.
2. The Judicial Magistrate, Alandur.
3. The Public Prosecutor, High Court of Madras.

+2cc to M/s.Padmaja Mohan, Advocate sr.97337

Crl.O.P.No.22122 of 2013 and
M.P.Nos.1 of 2013

pvs(co)
nr 03/02/2020