

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.6971 of 2013 and
M.P.Nos.1 & 2 of 2013

1. Mohanish Jain
2. Amit Jain

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
J-9, Thoraipakkam Police Station,
Thoraipakkam, Chennai - 600 0096. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the criminal proceedings made in C.C.No.572 of 2012 in Crime No.1584 of 2011 on the file of the learned Judicial Magistrate at Alandur and quash the same.

For Petitioners : Mr.B.Ganesha Moorthy
For Respondent : Mr.R.Ravichandran,
Government Advocate (Crl.Side)

ORDER

A case was registered against the petitioners herein, showing them as A2 and A3 in Crime No.1584 of 2011 by the respondent police based on the complaint lodged by one Ramesh Kanna, who was the Sub-Inspector of Police, Traffic Wing J-9 Thoraipakkam Police Station Chennai. After investigation laid a charge sheet and the same was taken on file in C.C.No.572 of 2012 by the learned Judicial Magistrate at Alandur. Pending the above case, the petitioners have filed this petition seeking to quash the above calendar case against them.

2 The learned counsel appearing for the petitioners would submit that one of the accused in this case was below 16 years at the time of occurrence. The petitioners on the date of occurrence were asked to produce the license and other documents and they also produced the same, but, the complainant in this case, who was the Sub-Inspector of Police had demanded bribe and it was refused by the petitioners. The petitioners were directed

to wait there itself till the money is given to the police official and at that time, the petitioners videographed the acts of the complainant on the public. Therefore, the complainant foisted false case against them, which is liable to be quashed.

3 The learned Government Advocate (Crl.Side) would submit that departmental action has been taken against the complainant in this case and punishment was also awarded.

4 Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

5 It is seen that the petitioners herein were shown as A2 and A3 in the above calender case. The present case was registered based on the complaint given by the Sub-Inspector of Police, wherein, it was stated that he was attacked by the petitioners, while discharging his duties. On reading of the complaint lodged by the mother of first petitioner, who is A2 and the statement recorded under Section 161 of Cr.P.C, of the complainant, it reveal that the act of the complainant was videographed by the accused and it was alleged that the accused insisted the complainant to speak over the phone with some superior officer and the complainant refused the same. But, the investigating agency failed to recover the cell phone used by the accused, which is a best material to prove the case of the prosecution, which itself shows that the case of prosecution is false. Further, it is also stated that for the act of the complainant, departmental action was also taken and punishment was awarded.

6 Under these circumstances, this Court is inclined to quash the calender case against these petitioners. Accordingly, criminal original petition is allowed and the case against the petitioners, who are A2 and A3, in C.C.No.572 of 2012 on the file of the learned Judicial Magistrate at Alandur, is hereby quashed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Alandur.

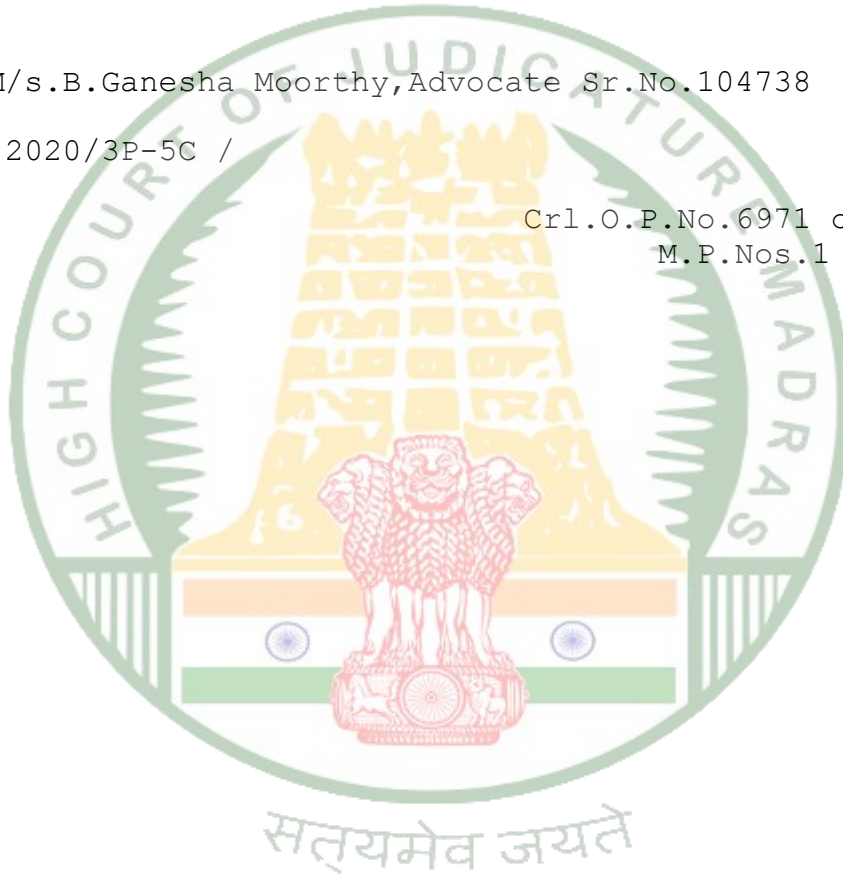
2.The Inspector of Police,
J-9, Thoraipakkam Police Station,
Thoraipakkam, Chennai - 600 0096.

3.The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.B.Ganesh Moorthy, Advocate Sr.No.104738

AKM/22.01.2020/3P-5C /

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