

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3468 of 2019

C.Naresh Kumar

.. Petitioner

Vs.

1.The State rep. by,
The Inspector of Police,
T-9, Pattabiram Police Station,
Ambattur District,
(Crime No.1138 of 2017).

2.Asokan

.. Respondents

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to call for the records and quashing the Final Report against the petitioner in C.C.No.05 of 2018 on the file of the learned Judicial Magistrate Court-II, Thiruvallur.

For Petitioner : Mr.K.S.Thiyagarajan

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.05 of 2018, on the file of the Judicial Magistrate Court No.II, Thiruvallur.

2.It is seen that the petitioner is arrayed as A7. On the complaint lodged by the 2nd respondent, the 1st respondent Police registered a case in Crime No.1138 of 2017 and after completed the enquiry, he filed a final report and the same has been taken cognizance for the offences under Sections 147, 148, 294(b), 336, 506(ii) of IPC and 27(1) of the Arms Act, 1959 in C.C.No.05 of 2018 by the learned Judicial Magistrate No.II, Thiruvallur.

3.There are totally seven accused in this case, the petitioner is arrayed as A7. It is seen from the final report filed by the 1st respondent Police, there is no specific allegations as against the petitioner/A7 and all the allegations are bald and vague. The charges is that on 09.10.2017, when the

group of students, who are studying in Presidency College armed with knife were caused fear to the public, who were presented around. When the defacto complainant questioned the same, the students abused him with filthy language and also threatened him with dire consequences by showing knife. In this regard, this Court directed the parents of the petitioner to appear before this Court. Today i.e., on 25.04.2019, the parents of the petitioner/A7 appeared and also filed an affidavit to that effect. The relevant portion of the affidavit filed by the parents of the petitioner/A7 is extracted as follows:-

"1.We most humbly submit that, the petitioner herein is our son who has been arrayed as the 7th accused in the above case by the respondent police on the basis of a complaint preferred by one Asokan.

2.We further submit that, we hereby undertake before this Hon'ble Court as to take full responsibility of my wards behaviour and attitude and ensure that he won't do any act that would create nuisance or cause disturbance to public or any privat person. Further, we bow before this Hon'ble Court with stretched arms to grant us an opportunity to mend our wards ways to progress in his future and to lead a standard life.

3.We further submit that, and solemnly undertake that our ward will not indulge in any behavior or act that may lend to disturb the public or peace or abet the act of commission of omission of any such behavior.

4.We further submit that, we beg with stretched arms to grant us an opportunity to mend his ways in a proper progressive way and to lead a life of betterment that would enable us to lead a respectable life in the society.

5.We further state that the offences alleged against my ward are U/s.147, 148, 294 (b), 336, 506(ii) of IPC. Hence, we are filing this affidavit before this Hon'ble Court to pass suitable orders to quash the entire proceedings pending in C.C.No.05 of 2018 pending on the file of the learned Judicial Magistrate-II."

4.The petitioner is being a student, after that he should not indulge in any illegal activities and he should concentrate his studies.

5.Considering the facts and circumstance, the petitioner/A7 is a Student and also considering the affidavit filed by the parents of the petitioner/A7, this Court is inclined to quash the proceedings as against the petitioner/A7.

6.Accordingly, this Criminal Original Petition is allowed and the proceedings against the petitioner/A7 in C.C.No.05 of 2018, on the file of the Judicial Magistrate Court No.II, Thiruvallur is quashed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Thiruvallur.

2.The Inspector of Police,
T-9, Pattabiram Police Station,
Ambattur.

3.The Public Prosecutor,
High Court Madras.

+1cc to Mr.K.S.Thiyagarajan, Advocate sr.no.39808

Cr1.O.P.No.3468 of 2019

nr 29/04/2019