

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9600 of 2019

Parthasarathy

.. Petitioner/Accused

-Vs-

1.The State rep by

S.I. of Police,

E-1, Mylapore Police Station,

Chennai-600 004.

..R1/Complainant

2.Sathish

..R2/De-facto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.4704 of 2011 pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.L.Muralikrishnan

For Respondents : Mr.C.Raghavan (for R1)

Government Advocate

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.4704 of 2011 pending before the Court below.

2.The case of the prosecution is that on 18.04.2011 at about 7.00 p.m., the first accused who was working in Sri Adhikesava Perumal Temple as Archagar trespassed into the office of the said temple and abused the defacto complainant using foul words, pushed and beat him. On 23.03.2011 at about 6.00 p.m., accused 1 and 2 alleged to have insulted the temple Chairman Sridhar and abused him in filthy language. It is further alleged that accused 1 and 2 are said to have often quarreled with the other staff in the temple. Hence, the accused 1 and 2 have committed the offence under Sections 294 and 323 IPC. After completing the investigation, the Inspector of Police filed charge sheet before the learned XVIII Metropolitan Magistrate, Saidapet under Sections 294(b) and 323 IPC and the same has been taken on file as C.C.No.4704 of 2011.

3.The learned counsel for the petitioner submitted that the petitioner has been added as A1 and A2, Kesavan had already

approached this Court and filed Crl.O.P.22968 of 2011 seeking to quash the proceedings against him. This Court after considering the matter in detail had quashed the proceedings in Crl.O.P.No.22968 of 2011 by order dated 24.04.2017, in so far as A2 is concerned.

4.The learned counsel for the petitioner submitted that the said order will also enure to the benefit of this petitioner. In order to substantiate the said submission, the learned counsel for the petitioner also brought to the notice of this Court, the Judgment of this Court in the case of Rajesh Salecha Vs. Intelligence Officer, Narcotic Control Bureau, South Zone, Chennai reported in 2009 2 MLJ (Crl) 740 and also the judgment in the case of Thamilendi Vs. State by Inspector of Police, Orathanadu Police Station, Thanjavur District (Crime No.58 of 1991) and another reported in 2008 2 CTC 153.

5.The learned Government Advocate took notice on behalf of the respondents and submitted that the reasoning given by this Court to quash the proceedings in so far as the A2 is concerned, equally applied to the case of the petitioner.

6.This Court has carefully considered the submission made on either side and also the materials placed on record.

7.This Court is of the considered view that no useful purpose will be served by subjecting the petitioner to undergo trial since the evidence as against this petitioner is inseparable and indivisible and the petitioner is also placed on a similar footing as that of A2. Therefore, the benefit of quashing the proceedings in so far as the A2 is concerned can also be extended to the petitioner. The Judgment cited by the learned counsel for the petitioner will apply in all force to the facts of the present case also. That apart, the proceedings is of the year 2011 and it involves a very minor offence under Sections 294(b) and 323 of IPC and at this length of time, the petitioner need not be exposed to trial.

8.In view of the above, the proceedings in C.C.No.4704 of 2011, pending on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed and the Criminal Original Petition is allowed accordingly.
vs

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Sub Inspector of Police,
E-1, Mylapore Police Station,
Chennai-600 004.
3. The Chief Judicial Magistrate,
Egmore, Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Muralikrishnan, Advocate, SR.No.44779

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Kak(01/07/2019)



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