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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.Nos.9414 & 12210 of 2019
and
CrI.M.P.Nos.4954 & 6395 of 2019

M.Selvageathan	... Petitioner in CrI.OP.9414/2019
K.Sureshkumar @ Parapatti Sureshkumar	... Petitioner in CrI.OP.12210/2019

-Vs-

State rep. by
The Inspector of Police,
Hasthampatty Police Station,
Salem.

...Respondent in both the CrI.OP

Common Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No.118 of 2009 on the file of the Judicial Magistrate No.III, Salem and quash the same.

(In both the CrI.OPs)	
For Petitioners	: Mr.N.Vijaya Basker
For Respondent	: Mr.C.Raghavan Government Advocate

COMMON ORDER

These petitions have been filed seeking to quash the proceedings in C.C.No.118 of 2009, pending on the file of the Judicial Magistrate No.III, Salem.

2.The case of the prosecution is that there was a dispute in the Court complex at Salem on 12.03.2009 which involved the Advocates calling for a boycott. Since it disturbed the proceedings in the Court, a complaint was given by the Chief Administrative Officer of the District and Sessions Court, which resulted in an F.I.R. Registered for an offence under Section 448 of IPC. There are six accused persons in this case and the present petitioners are A1 and A2. The respondent police have



completed the investigation and also filed a final report and the same has been taken on file by the Court below for the offence under Section 448 of IPC.

3.The learned counsel for the petitioners submitted that the petitioners are practising Advocates at Salem and they have Bar experience of nearly 22 years and 15 years respectively. The learned counsel submitted that the agitation was called for by the Advocates belonging to the particular political party and a Court boycott was also called for by the Association. At that point of time there was a confusion in the Court and the petitioners have been unnecessarily roped in as accused persons.

4.The learned counsel for the petitioner further submitted that a counter complaint was also filed in Crime No.376 of 2009, which also resulted in filing of a final report in C.C.No.110 of 2009. This Court by an order dated 14.12.2015, on the ground that there are only vague allegations against the concerned accused persons quashed the proceedings. The learned counsel submitted that the case and counter involved in the incident took place in the year 2009 and no useful purpose will be served by keeping the proceedings pending, since none of the parties are interested in prosecuting the case.

5.Heard the learned Government Advocate appearing on behalf of the respondent police.

6.It is seen from records that there was a case and counter and the complaint given by the petitioners herein, which resulted in the final report being taken on file in C.C.No.110 of 2009, came to be quashed by this Court in CrI.O.P.Nos.12368 and 18606 of 2011 by order dated 14.12.2015. The petitioners are facing the present proceedings based on the very incident. It will be relevant to extract the portions of the order hereunder:-

"2.The case of the prosecution is that the petitioners herein are practising Advocates and on 12.03.2009, the petitioners herein along with other accused person assembled in front of the combined Court Buildings at Salem and prevented the respondents 2 & 3, who are also practising Advocates, and other advocates from entering into the Court premises to conduct their cases and abused them in filthy language. Hence, a complaint was lodged against the petitioners and the same was registered in Crime No.376 of 2009 on the file of the 1st respondent-Police. After completion of investigation, final report has been filed by the 1st respondent and the same has been taken on file in C.C.No.110 of 2009 by the learned Judicial Magistrate No.III, Salem. Now, the petitioners have come forward with the present petitions seeking to quash the criminal proceedings.



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3.The learned senior counsel appearing for the petitioners submitted that due to the incident that had taken place in the Madras High Court on 19.02.2009, Salem District Bar Association had passed a resolution to boycott the Court. In the complaint, it is alleged by the defacto-complainants that they were prevented by the accused persons, who are also practising advocates, from entering into the Court premises and they were abused by the accused persons. But, there is no specific allegation made against the petitioners herein. Thus, learned senior counsel sought for quashing the criminal proceedings.

4.Heard the learned Additional Public Prosecutor and the learned counsel appearing for the defacto-complainants also and perused the materials available on record.

5.It is the submission of the learned senior counsel appearing for the petitioners that only vague allegations have been made and no specific allegation has been made against the petitioners. From a perusal of the materials available on record, I find some force in the submission made by the learned senior counsel for the petitioners. Hence, I am of the opinion that the impugned criminal proceedings are liable to be quashed as against the petitioners herein."

7.This Court is of the considered view that no useful purpose will be served in keeping the proceedings pending. This Court is also taking into consideration of the facts that the petitioners have put in sufficient Bar experience and the pending proceedings will only cause more hardship to the petitioners. The continuation of the proceedings against the petitioners is an abuse of process of Court and the ends of justice requires that this Court has to interfere with the proceedings, in exercise its jurisdiction under Section 482 of Cr.P.C.

8.In the result, the proceedings in C.C.No.118 of 2009 on the file of the Judicial Magistrate No.III, Salem, is hereby quashed. These Criminal Original Petitions are accordingly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs



To

1.The Judicial Magistrate No.III,
Salem.

2.The Inspector of Police,
Hasthampatty Police Station,
Salem.

3.The Public Prosecutor,
Madras High Court.

+2ccs to M/s.Law Vision, Advocate, S.R.Nos.59683 & 59684

CrI.O.P.Nos.9414 & 12210 of 2019
and
CrI.M.P.Nos.4954 & 6395 of 2019

SPD (CO)

RRS (27/08/2019)