

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.10054 of 2019

1.K.Karthik

2.Pranesh Raghul

...Petitioners

Vs.

1. State Represented by
Inspector of Police,
Railway Police,
Jolarpet, Vellore District.
(Crime No.242/2017)

2. G.Sridhar

....Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the criminal proceedings in S.T.C.No.118 of 2018 on the file of the Judicial Magistrate No.III, Thirupattur (Vellore).

For Petitioner : Mr.L.Poovendra Perumal

For Respondent : Mr.M.Mohamed Riyaz
No.1 Addl. Public Prosecutor for R1

R2 : No Appearance

ORDER

This petition has been filed seeking to quash the proceedings in STC No.118 of 2018 pending on the file of the Judicial Magistrate III, Thirupattur.

2.It is seen from the records that both the petitioners and the second respondent were law college students and all of them have participated in Sports Meet at Bangalore. There was some misunderstanding which resulted in a quarrel between the parties and the parties attacked each other. It is alleged that the second respondent sustained injuries and he was also abused in filthy language by the petitioners.

3.Notice has been served on the second respondent and his name is also printed in the cause list and he does not appear either in person or through his counsel.

4.The learned counsel for the petitioners submitted that the incident is said to have been taken place on 23.08.2017 and the complaint itself was given on 29.11.2017 and the FIR was also registered on the same day even without an enquiry and therefore, the registration of FIR is in violation of the guidelines of the Hon'ble Supreme Court in Lalithakumari vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353.

5.The learned counsel further submitted that the allegations made in the final report do not constitute in the offences under Sections 294(b) and 323 of IPC. The learned counsel also wanted this Court to take into consideration the fact that the petitioners and the second respondent have now become advocates and that pendency of the FIR will have a serious impact on the future of the petitioners.

6.The learned Additional Public Prosecutor submitted that the final report has been filed for the offences under Sections 294(b) and 323 of IPC, based on the materials collected by the respondent Police during the course of investigation. The learned counsel further submitted that this Court can take into consideration the fact that the accused persons and the second respondent were students of the Law College when the incident took place in the year 2017 and the incident had taken place in the Sports Meet without any premeditation.

7.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent

8.There is absolutely no reason assigned for the enormous delay of nearly three months in lodging the complaint. The petitioners and the second respondent who were Law College students had attended the Sports Meet. At that point of time, there was a wordy quarrel, when they were travelling in the train and there was exchange of words and it is stated that the petitioners had attacked the second respondent with their hands and legs. The petitioner and the second respondent have now become advocates and they are practising before various Courts. Taking into consideration the delay in lodging the complaint and also the fact that the offence is petty in nature and it had happened at the spur of the moment and that the pendency of the case will impact the future of the petitioners, this Court is inclined to interfere with the proceedings pending in S.T.C.No.118 of 2018. It will be a wasteful exercise to keep the proceedings pending and it will be better to close the proceedings so that the parties can concentrate in their profession.

9.In the result, this Criminal Original Petition is allowed and the proceedings in STC No.118 of 2018 on the file of

the learned Judicial Magistrate III, Thirupattur (Vellore), is hereby quashed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

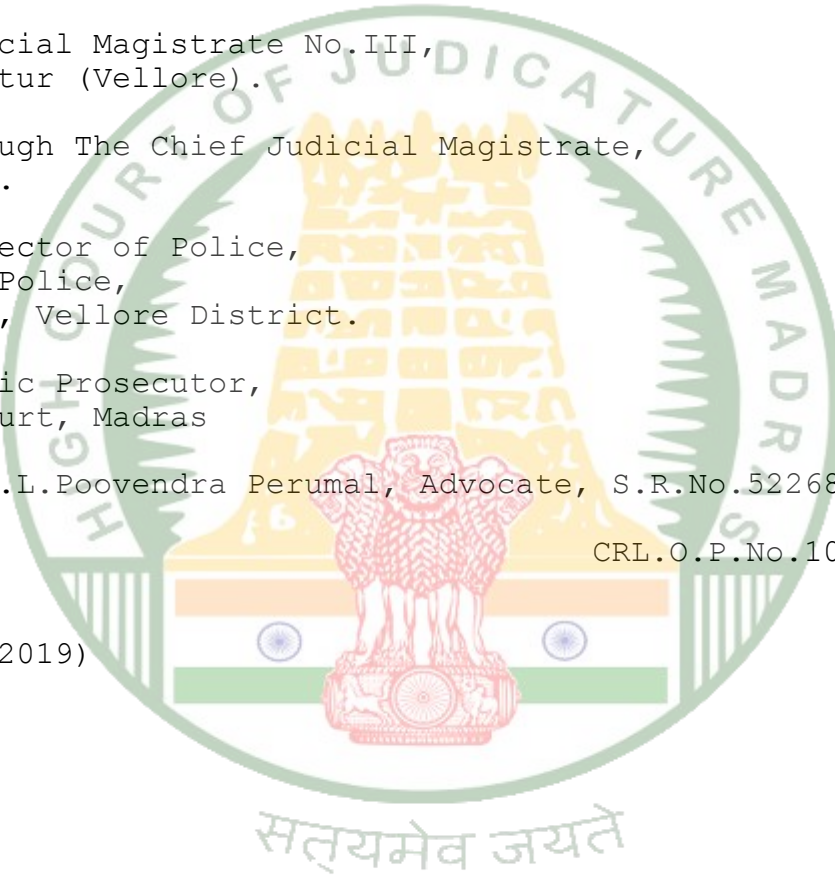
- 1.The Judicial Magistrate No.III,
Thirupattur (Vellore).
- 2.-do-Through The Chief Judicial Magistrate,
Vellore.
- 3.The Inspector of Police,
Railway Police,
Jolarpet, Vellore District.
- 4.The Public Prosecutor,
High Court, Madras

+1cc to Mr.L.Poovendra Perumal, Advocate, S.R.No.52268

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MR (CO)

RRS (27/06/2019)



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