

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.16063 of 2019
and
Crl.M.P Nos.8014 and 8015 of 2019

1.Veeramanigandan
2.Saravanan

...Petitioners/Accused 1 & 2

Vs.

1. State rep. By its
The Inspector of Police,
Kangayam Police Station,
Tiruppur District.

...1st Respondent/Complainant

2. D.Govardhambikai
Sub-Inspector of Police,
Kangayam Police Station,
Tiruppur District.

...Respondents/Informant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings pending in C.C No.73 of 2010 on the file of the learned Judicial Magistrate, Kangayam at Tiruppur District and quash the same.

For Petitioner : Mr. Dayalan.D

For 1st Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

For 2nd Respondent : Mrs.R.Govarthanambikai

ORDER

This petition has been filed seeking to quash the proceedings in C.C No.73 of 2010 pending on the file of the learned Judicial Magistrate, Kangayam.

2. The case of the prosecution is that when the de-facto complainant, who is the Sub Inspector of Police was on duty, the petitioners are said to have entered into the police station and there was some arguments between both the parties. Therefore, an FIR came to be registered in Crime No.353 of 2010 for an offence under Sections 294(b), 353 and 506(ii) of IPC. After the completion of the investigation, a final report has also been filed before the Court below and the same has been taken on file in C.C No.73 of 2010.

3. The learned counsel for the petitioners submitted that both the petitioners are practicing advocates and they regret for what happened in the police station. The learned counsel also filed independent affidavits of both the petitioners, wherein, both the petitioners have tendered unconditional apology for what happened inside the police station and they have undertaken that these mistakes will not be repeated in future.

4. This Court directed the Sub Inspector of Police to be present in order to ascertain if the case can be closed on the basis of the apology tendered by the petitioners. The Sub Inspector of Police who was present before this Court, magnanimously informed the Court that she is no more interested in continuing with the proceedings and this Court can take any decision by considering the facts of this case.

5. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

6. Taking into consideration the facts and circumstances of the case, and of the fact that the entire incident had happened in the spur of moment and the case has been pending without any progress for the last 9 years and the petitioners having filed independent affidavits tendering apology and undertaking not to commit such mistakes in future, this Court is of the view that no useful purpose will be served in keeping the proceedings pending. The proceedings will adversely affect the future of the petitioners who are practicing advocates.

7. In the result, the proceedings in C.C No.73 of 2010 on the file of the Judicial Magistrate, Kangayam is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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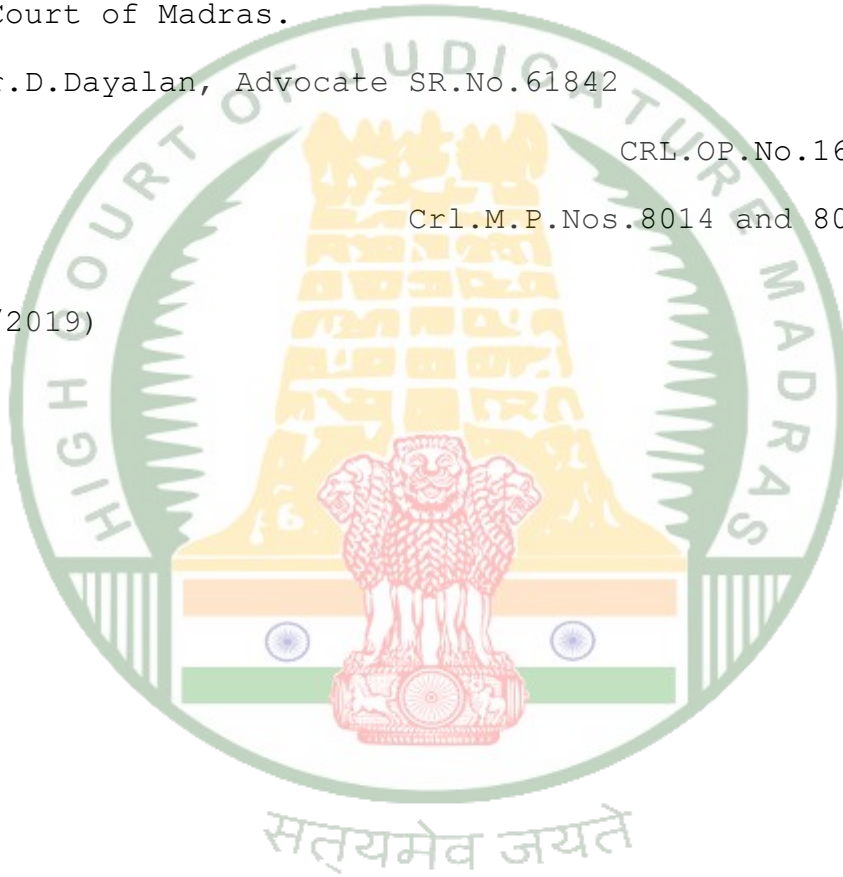
To

1. The Judicial Magistrate,
Kangayam.
2. The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
3. The Public Prosecutor
High Court of Madras.

+2cc to Mr.D.Dayalan, Advocate SR.No.61842

CRL.OP.No.16063 of 2019
and
Crl.M.P.Nos.8014 and 8015 of 2019

VG II(CO)
GMY(20/08/2019)



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