



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17017 of 2019

and

CrI.M.P.Nos.8559 & 8561 of 2019

A.Mazar

...Petitioner

-Vs-

1. The State represented by  
Inspector of Police,  
H1 Police Station,  
Old Washermenpet, Chennai-600 021.  
(Crime No.668 of 2018)

2. Nagendran  
Head Constable,  
H1, Washermenpet Police Station,  
Old Washermenpet,  
Chennai-600 021.

...Respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the C.C.No.2778 of 2018 on the file of the XV Metropolitan Magistrate Court, George Town and Quash the same CrI.O.P. Of 2019.

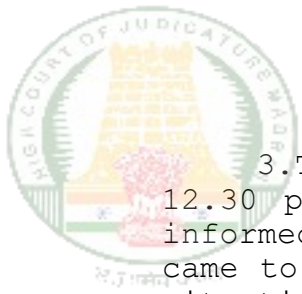
For Petitioner : Mr.D.Manimaran

For Respondent : 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.2728 of 2018 pending on the file of the XV Metropolitan Magistrate Court, George Town.

2.The respondent police have filed a final report as against four accused persons and the petitioner is added as A4.



3.The case of the prosecution is that on 05.07.2018 at about 12.30 p.m., there was a fight between two groups and this was informed to the police and LW1 to LW4 who are police officials came to the scene of occurrence and were attempting to bring the situation under the control. At that point of time, the accused persons are said to have come into the scene of occurrence and abused the police officials in filthy language and attacked them with hands.

4.The learned counsel for the petitioner submitted that the petitioner is studying in his final year Law course at Dr.Ambedkar Government Law College. He submitted that there was already a landlord tenant dispute between two parties and it turned into a fight on 05.07.2018. The petitioner and his family members being the neighbours, heard the noise from the street and came to stop the parties from attacking each other. At that point of time LW1 to LW4, had come there in mufti clothes and also stopped the parties from attacking each other and there was a melee. The petitioner and his family members never knew that LW1 to LW4 are police officials. The entire incident according to the learned counsel for the petitioner, had happened in the spur of the movement and there was no intention on the part of the petitioner to attack the police constable.

5.This Court directed the Head Constable concerned to be present before this Court. This Court enquired him regarding the incident and he also reiterated almost the same facts that were submitted by the learned counsel for the petitioner. He further stated that the accused persons had attacked with hands and used filthy language even against the police officials. The officer submitted that he cannot unilaterally withdraw the complaint since the same will be questioned by the superior officers and therefore submitted that this Court can take a decision on the merits of the case.

6.Heard the learned Government Advocate (Criminal Side) appearing on behalf of the respondent police.

7.The case of the prosecution, even if it is taken as it is, shows that there was a melee and there were two groups fighting against each other. The petitioner and his family members had gone to the scene of occurrence since they are neighbours and they were trying to prevent the parties from attacking each other. At the same time, the police officials had also come to the scene of occurrence in mufti. This was not known to the petitioner and therefore there seems to be some wordy quarrel resulting in the parties coming to blows with each other. This Court does not find any material against the petitioner to the effect that he abused the de-facto complainant or threatened him after knowing that he is a police officer. The entire incident



happened in the spur of the movement.

8.If the proceedings are kept pending, it will have a direct effect on the future of the petitioner who is an aspiring law student doing his final year. The learned counsel for the petitioner submitted that there are no previous case against the petitioner and the petitioner has been unnecessarily roped in the case where he had gone to the scene of occurrence to stop the parties from fighting.

9.This Court is of the considered view that the proceedings against the petitioner is an abuse of process of Court and the ends of justice will be served by interfering with the proceedings, in so far as the petitioner is concerned.

10.In the result, the proceedings in C.C.No.2778 of 2018 on the file of the XV Metropolitan Magistrate Court, George Town, is quashed in so far as the petitioner is concerned. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vs

To

1. The XV Metropolitan Magistrate,  
George Town, Chennai.
2. -Do- Through The Chief Metropolitan Magistrate,  
Chennai.
3. The Inspector of Police,  
H1 Police Station,  
Old Washermenpet, Chennai-600 021.  
(Crime No.668 of 2018)
4. The Public Prosecutor,  
Madras High Court.

+3ccs to Mr.D.Manimaran, Advocate, S.R.No.60081

Crl.O.P.No.17017 of 2019  
and  
Crl.M.P.Nos.8559 & 8561 of 2019

KK(CO)  
CS/31/07/2019