



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19358 of 2019
and Crl.MP Nos.9889 and 9890 of 2019

1. Rajendran
2. Vijayakumar @ Thavasikumaran
3. Umapathy

..... Petitioner /Accused 2, 3 & 42
Vs.

1. The State rep. by
Inspector of Police,
D-5 Marina Police Station,
Law and Order,
Mylapore, Chennai
... Respondent/Prosecuting complainant
2. SudalaimuthuRespondent / Defacto
complainant

Prayer: Criminal Original Petition has been filed to call for the records in C.C.No.4985 of 2018 on the file of II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.Thirumoorthy R
For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor for R1

ORDER

This petition has been filed seeking to quash the proceedings in C.C No.4985 of 2019, pending on the file of the II Metropolitan Magistrate Court, Chennai.

2. The respondent police have filed a final report as against 42 accused persons and the petitioners are A2, A3 and A42. The final report has been filed for an offence under Section 143, 294(b), 353 IPC.

3. The learned counsel for the petitioner submitted that even as per the final report, 1st and 2nd petitioners, who had assembled at the time of protest, had left the place immediately after the respondent police asked them to leave the place. The learned counsel further submitted that absolutely no offence has been made out against any of the petitioners and therefore, the proceedings are liable to be quashed insofar as the



petitioners are concerned.

4. The learned Additional Public Prosecutor on instructions submitted that the accused persons had gathered at the scene of occurrence and had indulged in protest without the permission of the police and thereby, caused disruption to the traffic and inconvenience to the general public. The learned counsel further submitted that the accused persons involved in abusing the police and stopped them from discharging their public duty.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. Even according to the final report, the 1st and 2nd petitioners had gone away from the place on the request made by the police. Therefore, no offence has been made out as against the petitioners 1 & 2. Insofar as the 3rd petitioner is concerned, he has been added as A42 in this case. There is no specific allegation made against this petitioner and no offence has been made out as against A42 under Section 294(b), 353 IPC.

7. It is seen from records that originally the FIR was registered under Section 143 and 188 IPC and at the time of filing final report, Section 188 was deleted.

8. This Court is of the considered view that no offence has been made against these petitioners and the continuation of the proceedings before the Court below is an abuse of process of Court, which requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.PC.

9. In the result, this Criminal Original petition is allowed and the proceedings in C.C.No.4985 of 2018, pending on the file of II Metropolitan Magistrate Court, Egmore, Chennai is hereby quashed insofar as these petitioners are concerned. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rka



To

1. The State rep. by
Inspector of Police,
D-5 Marina Police Station,
Law and Order,
Mylapore, Chennai

2. II Metropolitan Magistrate Court,
Egmore, Chennai

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Thirumoorthy , Advocate SR.No. 63310

Crl.O.P.No.19358 of 2019

A.SK(27/08/2019)