

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.551 of 2020

and

Crl.M.P.Nos.318 and 319 of 2020

G.Balamurali Krishna,
S/o.R.Gopalakrishnan,
86, Perumal Koil Street,
Pakkam Post,
Thiruvallur Taluk and District ... Petitioner/Accused

Vs.

1.State by:
The Inspector of Police,
Pattabiram Police Station,
Chennai-600 072. (Crime No.1138/17)

2.T.Ashokan
S/o.Thangavel,
No.32, General Kariyappa Nagar, Avadi,
Chennai-600 072.

... Respondents/Complainant & Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.5 of 2018 on the file of the learned Judicial Magistrate No.II, Thiruvallur and quash the same.

For Petitioner : Mr.M.Saravana Kumar

For R1 : Mr.S.Karthikeyan
Additional Public Prosecutor

W E B C O P Y
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.05 of 2018, on the file of the Judicial Magistrate Court No.II, Thiruvallur.

2.It is seen that the petitioner is arrayed as A5. On the complaint lodged by the 2nd respondent, the 1st respondent Police registered a case in Crime No.1138 of 2017 and after completed the enquiry, he filed a final report and the same has been taken cognizance for the offences under Sections 147, 148, 294(b),

336, 506(ii) of IPC and 27(1) of the Arms Act, 1959 in C.C.No.05 of 2018 by the learned Judicial Magistrate No.II, Thiruvallur.

3. There are totally seven accused in this case, the petitioner is arrayed as A5. It is seen from the final report filed by the 1st respondent Police, there is no specific allegations as against the petitioner/A5 and all the allegations are bald and vague. The charges is that on 09.10.2017, when the group of students, who are studying in Presidency College armed with knife were caused fear to the public, who were presented around. When the defacto complainant questioned the same, the students abused him with filthy language and also threatened him with dire consequences by showing knife. In this regard, this Court directed the parents of the petitioner to appear before this Court. Today i.e., on 26.08.2020, the parents of the petitioner/A5 appeared and also filed an affidavit to that effect. The relevant portion of the affidavit filed by the parents of the petitioner/A5 is extracted as follows:-

"1. We are the parents of the quash petitioner and as such we are well acquainted with the facts of the case.

2. We respectively submit that we are the parents of the quash petitioner namely G.Balamurali Krishna, who is our younger son aged about 21 years and he is now studying at law College at Andhra Pradesh. We further submit that our son was studying at Presidency College, Chennai. We further submit that on 09.10.2017 some students belonging to the Presidency College had posed themselves with long sword touched the floor thereby caused panic to the public at Pattabiram Railway Station, Chennai. We further submit that our son was also booked Crime No.1138 of 2017 on the file of the first respondent police, but our son was not at all active participant of above notorious incident of occurrence, but even though our son was present at such occurrence.

3. We respectfully submit that we are not justifying the notorious activities of our son, but due to his tendering young age, we have advised to him not to indulge at such notorious activities in future. We further submit that after notorious incident, our son had changed his college education. But even though we have uniformly unconditionally without any hesitation undertake on behalf of our son

assures that our son will not involved at any notorious activities at any circumstances in future.

4.We respectfully submit that our son namely G.Balamuralikrishna will not involve any notorious criminal activities and our son is also given affidavit of undertaking in this regard. We further submit that the age of our son and his future life may be pleased to be considered by this Hon'ble Court and one of the co-accused was quashed by this Hon'ble Court, therefore, our son affidavit as well as our affidavit may be pleased to record this affidavit and prayed that this Hon'ble Court may be pleased to quash the charges leveled against our son in C.C.No.5 of 2018 on the file of the learned Judicial Magistrate Court-II, Thiruvallur, which is now pending for trial."

4.The petitioner is being a student, after that he should not indulge in any illegal activities and he should concentrate his studies.

5.Considering the facts and circumstance, the petitioner/A5 is a Student and also considering the affidavit filed by the parents of the petitioner/A5, this Court is inclined to quash the proceedings as against the petitioner/A5.

6.Accordingly, this Criminal Original Petition is allowed and the proceedings against the petitioner/A5 in C.C.No.05 of 2018, on the file of the Judicial Magistrate Court No.II, Thiruvallur is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

mpa

To

1.The Judicial Magistrate No.II,
Thiruvallur.

2.The Inspector of Police,
Pattabiram Police Station,
Chennai-600 072.

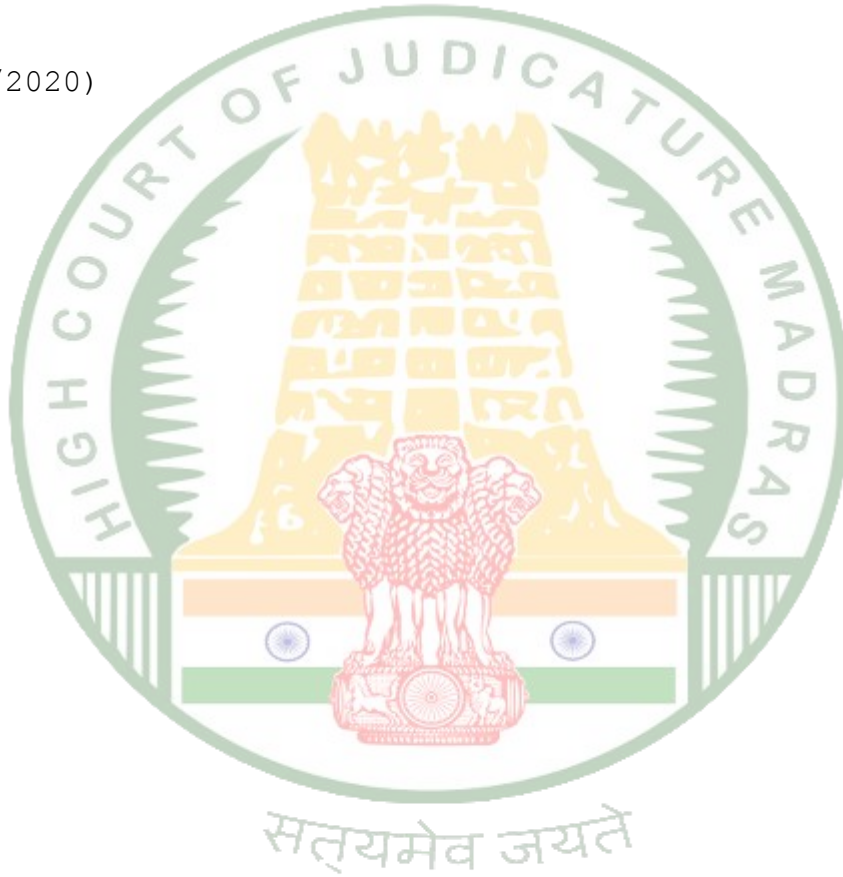
3.The Public Prosecutor,
High Court Madras.

+lcc to Mr.M.Saravana Kumar, Advocate SR.No.27959

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SR(CO)
GMY(19/10/2020)



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