



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HONOURABLE TMT. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.1937 of 2016  
& Crl.M.P.No.984 of 2016

1.R.Mariappan  
2.M.Raja

... Petitioners/Accused A1&A2

versus

1. The Sub-Inspector of Police,  
J-6 Police Station,  
Thiruvannamiyur,  
Chennai - 600 041.

... Respondent/Complainant

2. S.Arumugam

... Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to call for the records in C.C.No.551/2014, on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai - 600 015 and quash the same and allowing the original petition.

For Petitioners : Mr.G.Ranganathan

For Respondent No.1 : Mr.A.Gokulakrishnan  
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking for quashing the proceedings in C.C.No.551/2014 against the petitioners for an offences under Sections 294(b), 324 IPC, pending before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai - 600 015.

2. The case of the petitioner is that the first petitioner is the President of Thiruvalluvar Nagar Residential Welfare Association and the second petitioner is the son of the first petitioner who carrying on business in Thiruvalluvar Nagar. In the meanwhile, the de-facto complainant's brother Mayilvaganan is the Personal Assistant of State Minister and now he was



working in Human Rights Commission. On the influence, he committed illegal activities in the local area. The de-facto complainant named Arumugam parking his vehicle on the middle of the road making disturbances and preventing the access. Thereafter, the petitioner approached the de-facto complainant requesting him not to park the vehicle on the middle of the road and not making any trouble to the public/people. The de-facto complainant turn against the petitioners on the influence of his brother lodged a police complaint on 13.11.2013. But, as per the FIR, the occurrence happened on 06.11.2013. Without any investigation and enquiry conducted by the respondent police, a case has been registered against the petitioners under Sections 294(b) and 324 IPC. The respondent police without applying his mind tantamount an arbitrary manner registered on the complaint and prepared the mahajar on 06.11.2013. But the de-facto complainant make a complaint on 13.11.2013. Hence this petition.

3. No notice has been served on the second respondent.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent, on instructions, submitted that the de-facto complainant is no more and investigation has been completed, charge sheet has also been filed, trial had already commenced and witnesses have also been examined in this case, and hence, nothing survives for further adjudication in this petition.

5. Based on the submission made by the learned Government Advocate (Criminal Side), the Criminal Original Petition is nothing survives for further adjudication in this petition and hence, this Criminal Original Petition is dismissed as infructuous. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO-IV)

//True Copy//

Sub Assistant Registrar

msm

To

1. The XVIII Metropolitan Magistrate,  
Saidapet, Chennai - 600 015.



2. The Sub-Inspector of Police,  
J-6 Police Station,  
Thiruvanmiyur,  
Chennai - 600 041.

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3. The Public Prosecutor,  
High Court, Madras.

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PL (CO)  
CT (23/08/2021)