

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2222 of 2021
and Crl.M.P Nos.1214 & 1216 of 2021

B.Harikrishnan : Petitioner

vs.

1. State rep. by
The Sub-Inspector of Police,
Shevapet Police Station,
Salem & District.

2. Mohanraj : Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call the entire records pertaining to the S.T.C.No.917 of 2018 on the file of the Judicial Magistrate No.3 Salem and quash the same.

For Petitioner : Mr.B.Kumarasamy

For R1 : Mr.C.Raghavan
Government Advocate

ORDER

By consent of both sides, this criminal original petition is taken up for final disposal.

2.This petition has been filed to quash the proceedings in STC No.917 of 2018 on the file of the learned Judicial Magistrate No.3, Salem.

3.The case of the petitioner is that a complaint was given to the respondent police to the effect that there was unlawful assembly of hundred members who gathered in the scene of occurrence in order to conduct the protest due to suicide committed by one Monisha. Based on the complaint, the respondent police registered an FIR in Crime No.19 of 2018. On completion of the investigation, a final report has been filed as against 26 accused persons for the offences under Sections 143 and 341 of IPC. The petitioner is arrayed as A21.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent.

5. In the considered view of this Court, there is absolutely no material as against the petitioner to sustain the offences under Sections 143 and 341 of IPC. None of the witnesses have spoken about the petitioner's presence in the scene of occurrence and no overtact has been attributed against him.

6. In view of the above, the petitioner need not undergo the ordeal of facing a criminal trial and the proceedings are liable to be interfered insofar as the petitioner is concerned. In the result, the proceedings in STC No.917 of 2018 on the file of the learned Judicial Magistrate No.3, Salem is quashed insofar as the petitioner is concerned.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate No.3,
Salem.

2. The Sub-Inspector of Police,
Shevapet Police Station,
Salem & District.

3. The Public Prosecutor,
High Court of Madras,
Madras.

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SSI (CO)
CSR 17.03.2021