

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 25.03.2021	Delivered on 29.03.2021
---------------------------	----------------------------

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.OP No.2847 of 2021
and
CrI.MP.No.1593 of 2021

K.Subburaj ..Petitioner/Accused-1

.Vs.

1.State Rep.by
Inspector of Police,
N-2, Kasimedu Police Station,
Chennai 600 013. ...Respondent/Complainant

2.Mrs.Srimathi
Women Police Constable 37338,
N-2 Kasimedu Police Station,
Kasimedu, Chennai - 600 013. ..Respondent/ Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and papers relating to C.C No.2484 of 2019, on the file of XVI Metropolitan Magistrate, George Town, Chennai and quash the final report dated 18.11.2019.

For Petitioner : Mr.K.M.Ramesh
(in Both CrI.OPs)

For Respondents : Mr.M.Mohamed Riyaz
(in Both CrI.OPs) Additional Public Prosecutor
for R 1

(in Both CrI.OPs): No Appearance for R 2

ORDER

This Petition has been filed challenging the proceedings pending in C.C No.2484 of 2019, before the XVI Metropolitan Magistrate, George Town, Chennai.

2.The case of the prosecution is that the Petitioner

entered into the Kasimedu Police Station and shouted at one Mr.Abhinesh, who was an accused in Crime No. 60 of 2019, and questioned him as to why he roped in the Petitioner as an accused in that case. When this was questioned by the police, the Petitioner is said to have abused the police in filthy language and threatened them with dire consequences. That apart, the Petitioner is also said to have prevented the police from performing their public duty.

3.The Respondent police on completion of the investigation have filed a final report against the Petitioner for offence under Sections 294(b), 509, 353 and 506-II of the Indian Penal Code, 1860 r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.

4.Heard Mr. K.M.Ramesh, learned counsel appearing on behalf of the Petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the 1st Respondent.

5.The main ground that was urged by the learned counsel for the Petitioner is that the entire case is attended with malafides and the Respondent police are targeting the Petitioner and foisting various cases since, he is questioning them and giving complaints against them before the higher authorities and the Human Rights Commission. It was further urged that except for the statements of the police officers belonging to the concerned police station, there is an independent witness namely, Ms. Chitra, who is said to have seen the incident. It is seen from records that the said Ms. Chitra had approached this Court and filed Crl. O.P. No. 148 of 2021, for a direction to the Respondent police not to harass her. She has stated in the Petition that she was made to sign some papers even without allowing her to read the contents therein.

6.There is yet another factor that assumes significance in this case. The petitioner had approached this Court and filed Crl. O.P. No. 25997 of 2019, questioning the FIR registered against him. This Court entertained the Petition after being prima facie satisfied that the complaint itself is motivated and the investigation was stayed. In spite of the same, the Respondent police have proceeded further and filed a final report against the Petitioner. It is not known as to why the Respondent police showed so much interest to file a final report in this case, when this Court had already entertained the quash petition questioning the FIR.

7.In the present case, the presence of the Petitioner in the police station itself is highly doubtful. The Respondent police have relied upon the CCTV footages to prove the presence of the Petitioner in the police station, and the report of the Forensic Science Department shows that no opinion was offered on the personal identity of the male individual seen in the image

that was captured in the CCTV and which in turn was copied to a pen drive.

8. Taking into consideration the totality of facts and circumstances of this case, it is clear that the Petitioner is not in the good books of the police, and the same has resulted in various FIRs registered against him, and this Court has also interfered and quashed the FIR in some of the cases. Apart from the statements of the officers belonging to the same police station, there is no other material against the Petitioner to sustain the charge against him. In the considered view of this Court, the entire criminal proceedings is attended with malafides and therefore, the same requires the interference of this Court under Section 482 of the Code of Criminal Procedure, 1973.

9. In the result, the proceedings in C.C No. 2484 of 2019, on the file of the XVI Metropolitan Magistrate, George Town, Chennai, is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. Inspector of Police,
N-2, Kasimedu Police Station,
Chennai 600 013.
 2. XVI Metropolitan Magistrate,
George Town, Chennai.
 3. The Public Prosecutor,
High Court, Madras.
- +3ccs to Mr.K.M.Ramesh, Advocate, Sr.No. 20066

Cr1.OP No.2847 of 2021

SSN(CO)
RMP (29/03/2021)