

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No3500 of 2021

and

Crl.M.P.Nos.2032 and 2033 of 2021

K.Gopinath

.. Petitioner

Vs.

1. The State rep. by its
The Inspector of Police
Tiruppur Central Police Station,
Tirupppur Cirty
(Crime No.554 of 2017)

2. A.Palanikumar

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.266 of 2017 on the file of the Judicial Magistrate No.2 at Tiruppur and quash the same.

For Petitioner : Mr.K.Myilsamy

For Respondent No.1 : Mr.C.Raghavan
Government Advocate

ORDER

This Criminal Original petition has been filed seeking to quash the proceedings in C.C.No.266 of 2017 on the file of learned Judicial Magistrate No.2, Tiruppur.

2. The case of the prosecution is that the petitioner made a provocative speech on 26.08.2017 at about 7.00 p.m against one Traffic Ramasamy, who is a social activist and went to the extent of threatening him with dire consequences. A final report has been filed against the petitioner for an offence under Section 153, 504 and 506(1) of IPC.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the 1st respondent. The 2nd respondent is said to be the follower of Mr.Traffic Ramasamy. This Court therefore deems it not necessary to issue notice to the 2nd respondent.

4. When the matter came up for hearing on 26.02.2021, this Court on noticing the type of language that was used by the petitioner in the meeting, expressed displeasure and directed the petitioner to file an affidavit expressing regret.

5. When the matter was taken up for hearing today, the affidavit filed by the petitioner was brought to the notice of this Court and the relevant portions in the affidavit is extracted hereunder :-

The complaint of the 2nd respondent is that I have made an aggressive speech as against his leader Mr. Traffic Ramasamy in the meeting held on 26.08.2017 at Alangakadu Arivu Thirukovil Arch, Tiruppur. I sincerely apologize for making such kind of aggressive speech as against his leader. I will undertake not to make such kind of speech or utter any kind of word as against him in future.

6. Taking into consideration the facts and circumstances of the case and also of the fact that this incident is said to have taken place in the year 2017 and none of the offenses are made out even if the final report is taken as it is and also after considering the affidavit filed by the petitioner, this Court is inclined to quash the proceedings in C.C.No.266 of 2017 on the file of the Judicial Magistrate No.2 at Tiruppur and accordingly, the same is quashed.

7. This Criminal Original petition is accordingly allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1.The Judicial Magistrate No.2
Tiruppur.

2.The Inspector of Police
Tiruppur Central Police Station,
Tiruppur Cirty.

3.The Public Prosecutor,
High Court, Madras.

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+1cc to Mr.K.Myilsamy, Advocate SR.13579

Cr1.O.P.No.3500 of 2021

GPL (CO)
CB (24/03/2021)



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