

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.19642 of 2019

Mahalingam @ Ezhil Mahalingam ...Petitioner/Accused

vs.

1. State by:

The Inspector of Police,
R1, Mambalam Police Station,
Chennai. ...1st Respondent/Complainant
(In Cr.No.3999/2015)

2.B.Sundari ...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings/charge sheet in C.C.No.6099/2016 pending on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.D.Ashok Kumar

For Respondents: Mr.Mohammed Riyaz
Additional Public Prosecutor
for R1.

: Mr.K.Kubendran - For R2

ORDER

This Criminal original petition has been filed to quash the proceedings in C.C.No.6099 of 2016 on the file of XVII Metropolitan Magistrate, Saidapet, Chennai.

2. The respondent police has filed a final report as against four accused persons for an offense under Section 294 (b), 506 (i) IPC r/w Section 109 IPC. Insofar as A2 to A4 are concerned, this Court has already quashed the proceedings by an order dated 13.03.2018. The petitioner has been arrayed as A1.

3. Heard the learned counsel for the petitioner and Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of 1st respondent.

4. A careful reading of the final report along with the statements of the witnesses shows that the petitioner is said to have abused and threatened the defacto complainant through mobile phone. It is therefore clear that the incident had not taken place in a public place in public view. This Court has already quashed the proceedings insofar as A2 to A4 are concerned. No offense has been made out against the petitioner and the continuation of the proceedings against the petitioner will amount to an abuse of process of Court, which requires interference of this Court under Section 482 of Cr.PC.

5. In view of the above, the proceedings in C.C.No.6099/2016 pending on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed. Accordingly, this criminal original petition is allowed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rka

To

1.The XVII Metropolitan Magistrate,
Saidapet, Chennai

2.The Inspector of Police,
R1, Mambalam Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.D.Ashok kumar, Advocate Sr.No. 9970

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SKY(CO)
RMP(24/03/2021)