



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.21626 of 2021 and
CrI.M.P.No.11747 & 11749 of 2021

V. Gunasekar

..Petitioner

Versus

The Inspector of Police,
Kachiyarapalayam Police Station,
Kallakurichi District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in S.T.C. No.219 of 2021 on the file of the learned Judicial Magistrate-1, Kallakurichi & District and quash the same.

For Petitioner : Mr.V.R.Kamalanathan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor.

O R D E R

The Petitioner/A1, who is facing trial in S.T.C.No.219 of 2021, for the offences punishable under Section 160 of I.P.C. has filed this quash petition.

2. The brief facts of the case is that on 11.09.2019 at about 11.50 A.M., during Vinayagar procession, some wordy altercation took place between two groups, in which, A1 to A5 belongs to one group and A6 to A10 belongs to another group, near perumal temple, in Vadanandhal Dame Road, which resulted in exchange of blows. Since the accused had not chosen to stop the fight even after intervention by the police persons, a case came to be registered against them.

3. The contention of the learned counsel for the petitioner is that the petitioner is a practicing advocate of this Court and he has been falsely implicated in this case. He further submitted that the entire case is only an imagination for the reason that when an occurrence said to have taken place in a public road, public witness ought to have been examined, which had not been done in this case. He further submitted that neither of the public persons had given



the complaint alleging disturbance which was said to have been caused by the accused. He therefore would submit that the petitioner is nothing to do with the alleged offence and prays to allow this petition.

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4. The learned Additional Public Prosecutor submitted that the Sub Inspector of Police, attached to Kachirapalayam Police Station who was on duty on 11.09.2019 at 11.30 A.M., on information went to the alleged place of occurrence along with some police persons wherein, they found two groups of persons quarreling against each other and when tried to pacify the situation, the accused had not cooperated and since the said occurrence caused disturbance and nuisance to the public, the case came to be registered against the accused. He further submitted that after investigation charge sheet has been filed and taken on file in S.T.C.No.219 of 2021. Since prima facie case is made out as against the accused, the learned Judicial Magistrate ordered to issue summons to the accused. He further submitted that the since the points raised by the petitioner are factual in nature, the same to be decided in trial.

5. Heard both sides. Perused the records.

6. It is seen that the occurrence took place on 11.09.2021 at about 11.50 hours and the complaint has been registered after 13 hours. In this case admittedly occurrence said to have taken place in public road between two groups but no public had lodged complaint, alleging nuisance. Further, no public was examined as witness and the four persons who were examined are only police persons.

7. In such view of the matter, this court finds that the proceedings would amount to abuse of process of law, the grounds raised by the petitioner are applicable to the other accused who have not approached this Court, this Court finds it appropriate to quash the same in respect of all the accused.

8. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.T.C.No.219 of 2021, on the file of the learned Judicial Magistrate 1, Kallakurichi, in respect of all the accused is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

arr



To

1. The Judicial Magistrate -1,
Kallakurich District.

2. The Inspector of Police,
Kachiyarapalayam Police Station,
Kallakurichi District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.R.Kamalanathan, Advocate SR.No.59204

Cr1.O.P.No.21626 of 2021

KG(CO)
GMY(29/11/2021)