



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.20847 OF 2017

AND

CRL.M.P.NOS.12398 AND 12399 OF 2017

G.Venkatraman

... Petitioner/3rd Accused

Versus

The State by
The Sub-Inspector of Police,
B-1, North Beach Police Station,
Chennai.

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records of the C.C.No.2511 of 2017 on the file of VII Metropolitan Magistrate, George town, Chennai and quash the same.

For Petitioner : Mr.S.M.Muralidharan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.2511 of 2017, filed against the accused for the offences under Sections 448, 353, 427 and 506(i) IPC, on the file of the VII Metropolitan Magistrate, George Town, Chennai.

2. It is the case of the prosecution that A1 to A3 had sent somebody into the Government building to construct a temple unauthorisedly. When the same was questioned by the Watchman (L.W.2), they caused criminal intimidation, thereby, they committed the offences under Sections 448, 353, 427 and 506(i) IPC.



3. Heard the learned counsel for the petitioner and perused the entire materials available on record.

4. The petitioner before this Court is A3. The prosecution has filed the final report as if A1 to A3 had sent somebody to trespass into the Government Property to construct temple. The so called trespassers have not been arrayed as accused before this Court. Be that as it may, except the statement of L.W.2, the so called watchman, no other eye witness is available in this case. The entire First Information Report itself is lodged on the basis of the statement of L.W.2, whereas, he has stated that, only Seshadri (A1) instructed some two unknown people to enter the premises and he has never whispered anything about the present petitioner sending two other unknown persons into the building to construct the temple unauthorisedly. Even in the final report, it is the specific case of the prosecution that, A1 alone arranged the people to construct the temple and the only allegation made against this petitioner (A3) is that he has made threat orally. L.W.2, in his statement, has not even named A3. Except disclosing the names of Seshadri and other Poojari of Pillaiyar temple, L.W.2 has not even disclosed the identity of the present petitioner (A3).

5. Therefore, this Court is of the view that, the materials collected by the prosecution, and the final report in entirety taken on its face value, would not constitute any offence as against the present petitioner (A3). Except the statement of L.W.2, no other materials are available on record to proceed against the petitioner. Even if the statement of L.W.2 is taken as evidence, the same would not constitute any offence as against A3. For that purpose alone, this Court is of the view that, continuing the prosecution against the present petitioner (A3) is nothing but a futile exercise.

6. Therefore, this Criminal Original Petition is allowed and the proceedings in C.C.No.2511 of 2017, as against the petitioner herein (A3) is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

psa/mkn



To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Sub-Inspector of Police,
B-1, North Beach Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Paramasivan, Advocate, S.R.No.60995

CRL.O.P.NO.20847 OF 2017

GPL (CO)
PBS/07/12/2021