

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.10.2020
PRONOUNCED ON : .03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.3928 of 2017
and
CRL M.P.No.2919 of 2017

1.Babu
2.Sayad Dawood Bilal
3.Mohan Raj ... Petitioners / A5 to A7

Vs.

1.The State
Rep.by the Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai ... 1st Respondent /
Complainant
2.J.Antony Kennedy ... 2nd Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned C.C.No.2514/2016, on the file of the learned Metropolitan Magistrate No.XVIII, Saidapet 1st respondent and quash the same in respect of the petitioners only.

For Petitioners : Mr.A.Mohamed Ismail

For Respondent-1: Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.2514 of 2016, on the file of the learned Metropolitan Magistrate No.XVIII, Saidapet.

2. The case of the prosecution, in nutshell, is as follows:-

on 14.01.2017, at about 4.00 p.m., when the 2nd respondent Police, went to the petitioner's shop viz., 'Classic Mobiles' at Sathiya Bazaar, along with the accused to recover the stolen

cellphone, which has been sold by the accused in the said shop, the petitioners, who were in the said shop attacked the accused Aravindan as well the 2nd respondent and also threatened them with dire consequences. Thereby, the accused persons prevented the Police from doing his official work. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that on 14.01.2017, at about 4.00 p.m., the 2nd respondent Police came to the shop of petitioners along with the accused Arvindan. The 2nd respondent beaten the accused in front of the 1st petitioner's shop and the accused fell down. Hence, there was a quarrel between the petitioners and the 2nd respondent. Therefore, the present false complaint has been lodged against the petitioners by the 2nd respondent. Hence, the petitioners are before this Court for the aforesaid relief.

4. The learned Additional Public Prosecutor appearing for the respondent Police by filing a counter affidavit, would submit that on 14.01.2017, when the 2nd respondent Police, went to the petitioner's shop viz., 'Classic Mobiles' at Sathiya Bazaar, along with the accused to recover the stolen cellphone, which has been sold by the accused in the said shop, the petitioners, who were in the said shop attacked the accused as well the 2nd respondent and also threatened him with dire consequences. Thereby, the accused persons prevented the Police from doing his official work. Hence, the complaint.

5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. I have perused the entire FIR. It is seen that there are serious allegations levelled against the petitioners. They attacked the police officer along with the accused Aravindan, who went along with the Police Officer, for identifying the shop in which the accused sold the stolen mobile. Further, the petitioners threatened the police officer as well as the accused with dire consequences and thereby, they prevented the police officer from discharging his duties. In such view of the matter, having regard to the nature of allegations made in the FIR, the investigation completed confirms the same and charge sheet has been filed, this Court cannot invoke the inherent powers under Section 482 of Cr.P.C., to quash the proceedings in C.C.No.2514 of 2016, on the file of the learned Metropolitan Magistrate No.XVIII, Saidapet.

7. In the result, this Criminal Original Petition stands dismissed. Since, C.C.No.2514 of 2016 is pending for five years, without progress and there are only nine listed witnesses, mostly police personnel, the trial Court to give priority and dispose C.C.No.2514 of 2016, without any further

delay, preferably, within four months, from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

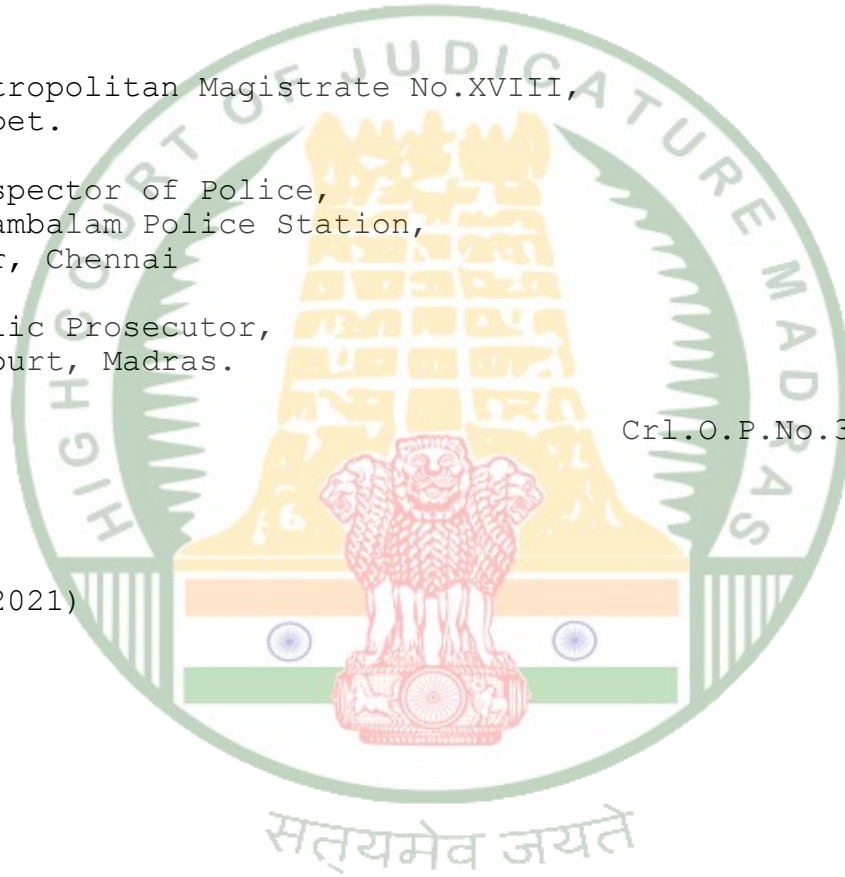
MPK

To

1. The Metropolitan Magistrate No.XVIII,
Saidapet.
2. The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3928 of 2017

GP (CO)
GN (09/04/2021)



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