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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CrI.O.P.No.25432 of 2017
and
CrI.M.P.No.14639 of 2017

T.Elumalai

... Petitioner

Vs.

1.State represented by the Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu Taluk,
Kancheepuram.

2.Sivasankari
Village Administrative Officer,
No.65, Thenmelpakkam,
Chengalpattu Taluk.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in P.R.C.No.17 of 2017 on the file of the Judicial Magistrate No.II, Chengalput and quash the same.

For Petitioner : Mr.J.Franklin

For R1 : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)

For R2 : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the final report in P.R.C.No.17 of 2017 on the file of the Judicial Magistrate No.II, Chengalpattu.

2.The charge against the petitioner/accused is that, on 13.12.2016, the petitioner demolished the Bus Shelter at Thenmelpakkam Village, Chengalpattu, causing a loss of Rs.25,000/- to the Government. Therefore, the petitioner has committed an offence under Section 3(1) of Prevention of Damage to Public Property Act, 1984.



3.The main ground urged by the learned counsel for the petitioner before this Court is that, though as many as 10 witnesses have been examined by the Police, none of the witnesses has spoken about the petitioner/accused in this matter.

4.Heard the learned counsel on either side and perused the entire materials available on record.

5.Normally, when final report is filed, the Court would not exercise its powers under Section 482 Cr.P.C. However, on a perusal of the entire materials collected by the prosecution, it is seen that they do not constitute any offence as against the petitioner/accused. From the entire materials on record, particularly the Police records, this Court is unable to find any material as against the petitioner to show that he has demolished the Bus Shelter. Therefore, this Court is of the view that, no purpose will be served in driving the petitioner to stand for trial, and continuance of prosecution as against the petitioner is a clear abuse of process of law.

6.It is brought to the notice of this Court that the case has been committed to the Principal District and Sessions Court, Chengalpattu, and numbered as S.C.No.29 of 2021.

7.Accordingly, this Criminal Original Petition is allowed and as a sequel, the proceedings in S.C.No.29 of 2021 on the file of the Principal District and Sessions Judge, Chengalpattu (P.R.C.No.17 of 2017 on the file of the Judicial Magistrate No.II, Chengalpattu) is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mkn

To

1.The Principal District and Sessions Judge,
Chengalpattu.

2.The Judicial Magistrate No.II,
Chengalpattu.



3.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu Taluk,
Kancheepuram.

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4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.25432 of 2017

KSM (CO)
PR (15/12/2021)