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Cr1.O.P. (MD) No.17254 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

Cr1.O.P. (MD) No.17254 of 2016

and

Cr1.M.P (MD) .No.8529 of 2016

Y.Krishnan

... Petitioner/Sole Accused

Vs.

1.Inspector of Police,
S.S.Colony Police Station,
Madurai-625010.

2.P.Manoharan,
Special Sub Inspector,
C3, S.S. Colony Police Station,
Madurai-625 010.

... Respondents/Complainant/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings in C.C.No.56 of 2015 on the file of the Learned Judicial Magistrate No.V, Madurai and quash the same.

For Petitioner : No appearance

For R1 : Mr.A.Thiruvadikumar

Additional Public Prosecutor

O R D E R

This petition is filed to quash the proceedings against this petitioner initiated by the first respondent, for the offence punishable under Sections 294(b), 353 and 506(i) of IPC in C.C.No.56 of 2015, on the file of the learned Judicial Magistrate No.V, Madurai.

2.The case of the prosecution is that on 07.07.2013 while the sub inspector of Police attached to the S.S.Colony Police Station, Madurai was on his patrol duty, along with constable Palpandi near the bye pass road in front of K.G.Hotel, they intercepted a Wagon-R car bearing Registration No.TN.58, U 4716 and made enquiry with the driver and found that the driver of the car namely Jeeva Ashok was not having valid driving licence. The petitioner herein is the owner of the car and he abused the defacto complainant in obscene language and obstructed him from doing official duties and threatened him that he is an advocate, he will not let the defacto complainant without removing his uniform and also made a threat to his life. Based on the complaint



given by the Sub Inspector of Police, the case has been registered in C.C.No.56 of 2015.

3.To quash the said case, the petitioner has filed this petition under Section 482 of Cr.P.C, on the ground that due to ill motive a false has been registered against the petitioner. The petitioner is a practicing Advocate and he has made a serious allegation in HCP. No.103 of 2013, which was filed on behalf of his client one Raju S/o.Muthu against the then Inspector of Police. Further it is stated that the charge sheet was not filed in accordance with law and his driver Jeeva Ashok was not an accused in this case for the alleged offences, under drunken driving and driven the car without holding driving license. There is no medical certificate was enclosed along with the final report to indicate that the driver Jeeva Ashok was driven the car in a drunken mood. Further it is stated that the Sections 353, 506(i) of IPC are not made out in the final report. Therefore, the C.C.No.56 of 2015 is liable to be quashed.

4.The learned Additional Public Prosecutor would submit that the second respondent/defacto complainant has registered the case for the offences punishable under Sections 294(b), 353 and 506(i) of IPC and also recorded 161 Cr.P.C statement of the witnesses would indicate that the petitioner herein, taking advantage of his profession has threatened the Sub Inspector of Police, while doing his official duties. He further submitted that the respondent police fairly conducted the investigation and recorded the 161 Cr.P.C statement of the witnesses and also filed the final report against the petitioner herein and also submitted that if the petitioner is really innocent, he can prove his innocence during the course of trial. Since, his own driver himself is a witness to the prosecution case, he can demolish the said witnesses.

5. Considering the facts and circumstances of the case and because the petitioner is an advocate by profession, this Court cannot take a different view and quash the case, when there is enough material is available to proceed against the petitioner for the offences alleged. In view of the same, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

1.The Judicial Magistrate No.V,
Madurai.

2.Inspector of Police,
S.S.Colony Police Station,
Madurai-625010.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.PALANI VELAYUTHAM, Advocate (SR-35362[F] dated
22/11/2021)