



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.2762 of 2019

and

Crl.M.P.No.1791 of 2019

Gopi @ R.K.Venkatraman

... Petitioner/Accused

Vs.

1.State

Rep. by the Sub Inspector of Police,

S1, St. Thomas Mount Police Station,

Chennai - 600 016.

... 1st Respondent/Complainant

2.S.Ramajeyam

... 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records relating to C.C.No.247 of 2016 on the file of the learned Judicial Magistrate, Alandur and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.V.Raghavachari
for M/s.K.Ravi

For Respondent 1: Mr.R.Vinothraja
For Respondent 2: Mr.S.Ramajeyam
Party-in-Person

ORDER

This Petition had been filed to call for the records relating to C.C.No.247 of 2016 on the file of the learned Judicial Magistrate, Alandur and quash the same by allowing this Criminal Original Petition.

2.Learned Counsel for the Petitioner Mr.V.Raghavachari submitted that this is not a case of road rage. He submitted that the Petitioner was driving his car bearing Registration No.TN-06-M-0813 moving from the Cemetery Road towards GST Road



from East to West on getting clear signal. At that time, the De-facto Complainant/Second Respondent herein was driving his car bearing Registration No.TN-04-AK-7293 from South to North by breaching the signal had collided with Petitioner's car on the left hand side. At that spot, the Petitioner stopped his car. The Police officials came to the spot. The De-facto Complainant/Second Respondent herein went to St. Thomas Mount Police Station and lodged a complaint. The Petitioner was detained from then till 7.30 a.m. on the next morning and about 50 persons alleged to be Lawyers came in support of the De-facto Complainant/Second Respondent herein and insisted the Investigation Officer to file a case under Non-bailable offences against the Petitioner. Therefore, based on the insistence and force of the crowd having more than 50 people, the First Respondent Police have registered a case knowing fully well that the Petitioner is not at fault. He was released on the next day by 7.30 a.m. on execution of a bail bond. After release, the Petitioner had preferred a complaint to the Commissioner of Police, Chennai, the Hon'ble Chief Justice of Madras High Court as well as Bar Council of Tamil. In spite of the complaint preferred by the Petitioner herein, the First Respondent police had not taken any action.

3.Learned Counsel for the Petitioner invited the attention of this Court to the contents of the Charge Sheet and also the statement under Section 161 of Cr.P.C. recorded from by the Head Constable, St. Thomas Mount Traffic, Chennai. As per the statement under Section 161 of Cr.P.C., the Police Head Constable, who was present in the traffic signal, the De-facto Complainant/Second Respondent herein was driving the vehicle bearing Registration No.TN-04-AK-7293 ignoring the signal and thereby his car collided with the car of the Petitioner bearing Registration No. TN-06-M-0813. Immediately, the Petitioner got out of the car and entered into wordy quarrel with the De-facto Complainant/Second Respondent herein. The Head Constable had informed the same to his higher officials. The Sub Inspector of Police who was on the rounds also came to the spot and his statement is also available in the charge sheet. While the matters stands so, the De-facto Complainant/Second Respondent herein who claims to be a practising Lawyer had with the support of his colleagues, who were numbering about 50, insisted upon the Investigation Officer in this case, the Inspector of Police, St. Thomas Mount Police Station, Chennai, to register a case. It is the contention of the learned Counsel for the Petitioner that the offence committed by the De-facto Complainant/Second Respondent herein jumping the signal at an important junction on the GST road between St. Thomas Mount and Guindy was ignored by



the Police because of the influence wielded by him as an Advocate in the local area. Therefore, the learned Counsel for the Petitioner seeks to quash the charge sheet. When there are incriminating materials available from the witnesses against the De-facto Complainant/Second Respondent herein, the Investigation Officer ought not to have filed the charge sheet against the Petitioner. If at all they had gone by the statement of the witness viz., the Head Constable who was on duty at the traffic signal, ought to have been considered by the Investigation Officer, he should have registered a case against the De-facto Complainant/Second Respondent herein for violating the signal and colliding with the car driven by the Petitioner. Instead he had not registered any case against the De-facto Complainant/Second Respondent herein. In the above circumstances, in spite of registering a case and counter, the Investigation Officer had acted partially in investigation and conducted Investigation in unfair and partial manner and laid the final report against the Petitioner herein. Therefore, the registration of case against the Petitioner is nothing but abuse of process of Court. Hence, the learned Counsel for the Petitioner seeks to quash the charge sheet.

4.The Second Respondent, who appeared as party-in-person, vehemently objected to quash the charge sheet on the ground that it was a case wherein he had preferred a complaint against the Petitioner herein for his act in hitting him on his face and causing injuries. He further submitted that when he was proceeding in his car towards Chennai near the Airport, by inadvertence, his car hit the bumper of the other car in which the Petitioner herein was travelling. Therefore, the Petitioner immediately got out of his car and opened the door of the De-facto Complainant's car. At that time, the De-facto Complainant/Second Respondent herein stated that whatever the damage caused to the Petitioner's car, he is ready to pay. In spite of the same, the Petitioner opened the door of the car of the De-facto Complainant/Second Respondent herein and hit him badly on his face causing injury. There, he underwent treatment at Government Hospital, Tambaram. He had furnished the relevant materials to the Investigation Officer. Based on those materials, the Investigation Officer had laid the final report. Therefore, the De-facto Complainant/Second Respondent herein vehemently objected to quash the charge sheet.

5.Learned Government Advocate (Crl. Side) appearing on behalf of the Prosecution invited the attention of this Court to the statement under Section 161 (3) Cr.P.C. given by the Medical Officer, Government Hospital, Tambaram wherein it is noted as



the patient by name Ramanujam, S/o.Subramani appeared before the Medical Officer and he was examined by the Medical Officer. The Medical Officer found that a mild swelling on the right side of the eye was seen. It was considered as simple injury. He further invited the attention of this Court to the complaint given by the Petitioner and the same is pending with the Traffic Investigation Wing, St. Thomas Mount Police Station, Chennai. He has also submitted that there are materials available in the charge sheet regarding injury caused on the De-facto Complainant/Second Respondent herein. Therefore, he seeks to dismiss this Criminal Original Petition as having no merit.

6.Considering the rival submissions, it is found that the De-facto Complainant/Second Respondent herein is a practising Lawyer. That is why he was able to wield the influence with the Investigation Officer. When the matter stood thus, it is not fair for the Investigation Officer to have chosen only one complaint and registering a case, investigating the same and laying a final report. Therefore, it is found to be an abuse of process of Court. Hence, this Criminal Original Petition is allowed and Charge Sheet in C.C.No.247 of 2016 is quashed. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

srn
To

1.The Judicial Magistrate,
Alandur.

2.The Sub Inspector of Police,
S1, St. Thomas Mount Police Station,
Chennai - 600 016

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Ravi, Advocate Sr.25664
+1cc to Mr.V.Vijay Kumar, Advocate Sr.26006

Cr1.O.P.No.2762 of 2019

pm[co]
srg 09/05/2022