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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI. O.P. No.10400 of 2022
and
CrI.M.P.No.6215 of 2022

S.Rajeesh Babu
Inspector of Police,
V-1, Villivakkam Police Station,
Villivakkam, Chennai- 600 049.

...Petitioner / 1st Accused

Versus

R.D.Aravind Kumar

...Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the proceedings in C.C.No.6104 of 2021 on the file of the 13th Metropolitan Magistrate Court at Egmore, Chennai-8 and quash the same in respect of the petitioner.

For Petitioner : M/s.K.Sakthivel
For Respondent : Mr.G.Purushothaman

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in the private complaint taken on file for the offences under Sections 324, 342, 451, 380, 386 and 506(ii) of IPC.

2. Learned counsel for the petitioner submitted that the petitioner herein has been arrayed as A5. He further submitted that there is no averment as against the petitioner herein whereas, the learned Judicial Magistrate took cognizance on the basis of the private complaint which is mainly targeted against the private respondents. He also submitted that without any materials, the cognizance has been taken for the above said offences against the petitioner herein.



3. Mr.G.Purushothaman, learned counsel appearing for the respondent submitted that he had not made any allegations as against the petitioner herein. The Court itself has taken cognizance of the complaint since the petitioner had not taken any action despite the directions of the Court under Section 154 (3) and 156(3) of Cr.P.C.

4. Heard the learned counsel for the petitioner and learned counsel for the respondent.

5. This Court has perused the complaint and the entire materials available on records.

6. It is seen that the allegations in the private complaint is mainly targeted against the private respondents and there is no averment as against the petitioner herein for the alleged offences. Without any substance and without materials on records, the learned Magistrate swayed by the action of the petitioner being the Inspector of Police for not taking any action when a direction was issued for registration of the FIR under Section 156(3) of Cr.P.C. Such approach of the learned Magistrate is highly unwarranted and deprecated. Taking cognizance of offence is not an ordinary affair and it is serious in nature. The person against whom the cognizance is taken for certain offence, has to undergo ordeal of the trial. Affecting the liberty of a person and calling the person to face the criminal trial without any substance is against the procedure. Such approach of the learned Magistrate is highly deprecated.

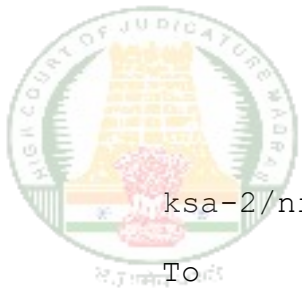
7. Learned counsel appearing for the respondent has pointed out that he had not raised any allegations as against the petitioner herein and the order of the learned Magistrate who has taken cognizance, is also without any details. Therefore, this Court is of the opinion that it is a fit case where the Court can exercise the power under Section 482 of Cr.P.C. to prevent the abuse of process of law.

8. Accordingly, this Criminal Original Petition is allowed. The proceedings in C.C.No.6104 of 2021 on the file of the 13th Metropolitan Magistrate Court at Egmore, Chennai, as against the present petitioner alone is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



ksa-2/nr

To

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The 13th Metropolitan Magistrate Court at Egmore,
Chennai-8.

+1cc to M/s.K.Sakthivel, Advocate, S.R.No.33651

Cr1. O.P. No.10400 of 2022
and
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VG-II[co]
NSK/20/06/2022