



Crl.O.P.Nos.30274 & 30276 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.30274 and 30276 of 2022

and

Crl.M.P.Nos.18547 and 18549 of 2022

Crl.O.P.No.30274 of 2022:

D.Rajeshkumar

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Poonamalle Police Station,
Chennai – 600 056.

2.The Superintendent/Assistant Prison Officer,
Thanikilai Jail,
Poonamalle,
Chennai – 600 056.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the First Information Report in Crime No.1255 of 2021 on the file of the Inspector of Police, Poonamalle, Police Station, Chennai and quash the same.

For Petitioner : Mr.G.J.Baskar Narayan

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)



Crl.O.P.Nos.30274 & 30276 of 2022

Crl.O.P.No.30276 of 2022:

D.Rajeshkumar

...Petitioner

Vs.

1.The State represented by
The Inspector of Police,
N-1 Police Station, Royapuram,
Chennai – 600 013.

2.C.Vijayakumar

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the First Information Report in Crime No.1100 of 2021 on the file of the Inspector of Police, N-1, Police Station, Chennai and quash the same.

For Petitioner : Mr.G.J.Baskar Narayan

For R-1 : Mr.S.Santhosh

COMMON ORDER

These Criminal Original Petitions have been filed to quash the First Information Report in Crime No.1255 of 2021 on the file of the Inspector of Police, Poonamalle, Police Station, Chennai and Crime No.1100 of 2021 on the file of the Inspector of Police, N-1, Police Station, Chennai.



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2. The learned counsel for the petitioners submitted that D.Rajeshkumar, the petitioner in Crl.O.P.No.30276 of 2022 and son of the petitioner in Crl.O.P.No.30274 of 2022 is suffering from Schizo Affective Disorder. He had a history of indulging in violence, which manifested his chronic mental illness. Therefore, whatever allegation made against D.Rajeshkumar are not true and even if they are admitted, they are the result of his mental illness. Therefore, the petitioner namely D.Rajeshkumar cannot be prosecuted and the proceedings have to be quashed.

3. In response, the learned Government Advocate (Criminal side) submitted that the investigation in this case is pending.

4. This Court, on perusal of the First Information Report registered against the petitioner, D.Rajesh Kumar in Crime No.1255 of 2022 on the file of the Inspector of Police, Poonamallee Police Station finds that some serious allegations are made against the petitioner namely D.Rajeshkumar, while he was in the custody of Poonamallee Sub-Jail. Earlier a case in Crime No.1100 of 2021 was registered against the petitioner in Royapuram Police Station for the offence under Sections 457, 294(b), 427, 341 and 506(ii) of IPC. It is seen



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from the First Information Report that the petitioner had trespassed into the office of Sathyam Televisions at about 7.00 pm on 03.08.2021 and enquired about the Managing Director namely Isaac and started to the damage glass table, computers, landline phones, pedestal fan, cell phone and TV. Then he threatened to kill all of them. Thereafter, he was arrested in this case. When he was in prison, the offence reported in Crime No.1255 of 2022 had taken place.

5. Some of the allegations are that he picked up a fight with the fellow inmates. He had also indulged in physical violence against one fellow inmate namely Sathasundaram and prison constable. Not only that he had abused the Jail Superintendent and prison constable in filthy language. The allegations are serious in nature and all the allegations make out cognizable offences. The truth are otherwise the allegations cannot be looked into at this stage. However, petitioner's claim that he is suffering from Schizo Affective Disorder and his acts are the results of his disorder would be known only during the investigation. The respondent police shall take into consideration the petitioner's claim of suffering from Schizo Affective Disorder, subject him to medical examination by Government Psychiatrist and then file appropriate final report in accordance with law.



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6. This Criminal Original Petition is disposed of with the above direction.

Consequently, the connected Miscellaneous Petitions are closed.

08.12.2022

Index: Yes/No

Speaking/Non speaking order

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To

1. The State represented by
The Inspector of Police,
Poonamalle Police Station,
Chennai – 600 056.
2. The Superintendent/Assistant Prison Officer,
Thanikilai Jail,
Poonamalle,
Chennai – 600 056.
3. The Inspector of Police,
N-1 Police Station, Royapuram,
Chennai – 600 013.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

gd

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