



CRL.O.P(MD).No.20022 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**CrI.O.P(MD).No.20022 of 2018
and CrI.M.P(MD).Nos.9211 and 9212 of 2018**

P.A.Chithramani

... Petitioner

Vs.

1.The State rep.by its
The Sub-Inspector of Police,
Fort Police Station,
Tiruchirapalli.

2.Rajeshwari

... Respondents

PRAYER: Petition filed under Article 482 of the Code of Criminal Procedure, to call for the records in C.C.No.143 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Trichy and quash the same as against the petitioner.

For Petitioner : Mr.K.Mohanmurali

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.)



CRL.O.P(MD).No.20022 of 2018

for R1
Mr.C.Jeganathan
for M/s.Veera Associates
for R2

ORDER

This Criminal Original Petition has been filed by the accused No.4 to quash the proceedings insofar as he is concerned in C.C.No.143 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Trichy.

2. The second respondent gave a complaint on 01.06.2017 before the respondent Police to the effect that she went to attend a function in a Temple on 01.06.2017 at about 11.30 a.m. and at that point of time, Chinnasamy (A1) came along with other persons and started threatening the defacto complainant and was forcibly conducting a survey of the property belonging to the defacto complainant. When the same was questioned by the defacto complainant on the ground that there was already a case pending with regard to the dispute over the property, the defacto complainant is stated to have been abused and her clothes were torn and she was also beaten. Based



CRL.O.P(MD).No.20022 of 2018

on this complaint, an F.I.R came to be registered in Crime No.720 of 2017 as against Chinnasamy and three others for the offences under Section 294(b), 323 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

3. Investigation was taken up and the final report came to be filed before the learned Judicial Magistrate, Additional Mahila Court, Trichy, as against four accused persons and the petitioner has been arrayed as A4. Aggrieved by this final report, the accused No.4/petitioner has approached this Court seeking to quash the proceedings insofar as he is concerned.

4. Heard Mr.K.Mohanmurali, learned counsel appearing for the petitioner, Mr.M.Sakthi Kumar, learned Government Advocate appearing for the first respondent and Mr.C.Jeganathan, learned counsel appearing for the second respondent.



CRL.O.P(MD).No.20022 of 2018

WEB COPY

5. On carefully going through the records, it is seen that the petitioner is a practising Advocate and he has represented the accused persons in this case before various Courts. He had also appeared on behalf of the accused No.1 before this Court in C.R.P(MD).Nos.406 to 408 of 2016. Thus, it can be seen that the petitioner was merely conducting cases on behalf of the accused persons. Even in the F.I.R that was registered by the respondent Police, the name of the petitioner was not recorded. Only in the final report, based on the general allegation made by the defacto complainant, the petitioner has been roped in as an accused.

6. In the considered view of this Court, if an Advocate by profession is roped in as an accused only based on the fact that he is appearing for the accused persons before various Courts, that will cause a serious prejudice to the independence of this profession. It will become very difficult for the Advocates to conduct cases under the threat of facing criminal proceedings. The continuation of the criminal proceedings as against the petitioner will clearly amount to abuse of process of law which



CRL.O.P(MD).No.20022 of 2018

WEB COPY

requires the interference of this Court under Section 482 of the Code of Criminal Procedure. It is also seen from the records that there is a case and counter and based on the complaint given by A1, an F.I.R came to be registered in Crime No.719 of 2017 and both the F.I.Rs., were investigated by the same Investigation Officer. Hence, in a dispute between the parties, unfortunately an Advocate was caught in between and is made to suffer a criminal prosecution. Hence, this Court has no hesitation to interfere with the proceedings insofar as A4 is concerned.

7. In the result, the proceedings in C.C.No.143 of 2018 on the file of the Judicial Magistrate, Additional Mahila Court, Trichy, is quashed insofar as the petitioner/A4 is concerned. The Court below is directed to proceed with the case insofar as the other accused persons are concerned in accordance with law and the proceedings shall be completed within a period of four months from the date of receipt of a copy of this Court.



CRL.O.P(MD).No.20022 of 2018

WEB COPY

8. Accordingly, this Criminal Original Petition is allowed.

Connected miscellaneous petitions are closed.

11.11.2022

Index : Yes / No

Speaking Order : Yes / No

ssb

To

The Sub-Inspector of Police,
Fort Police Station,
Tiruchirapalli.



WEB COPY



CRL.O.P(MD).No.20022 of 2018

N.ANAND VENKATESH, J.

ssb

CRL.O.P(MD).No.20022 of 2018

11.11.2022