



Crl.O.P.No.3675 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3675 of 2023

1. K.Sathish Kumar
2. Usman Sherif
3. R. Ashok
4. S.Sathish Kumar
5. Yuvaraj

... Petitioners

Vs.

1. The Inspector of Police,
K2 Ayyanavaram Police Station,
Kilpauk, Chennai.
Crime No.384 of 2022.

2. Radha Krishnan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pursuant to the proceedings in FIR in Crime No.384 of 2022 on the file of the Inspector of Police, K2 Ayyanavaram Police Station, Kilpauk, Chennai and quash the same.

For Petitioner : Mr.N.Naresh

For R1 : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

For R2 : Mr.N.Naresh
for Mr.M.Kabilan



Crl.O.P.No.3675 of 2023

ORDER

WEB COPY This Criminal Original Petition has been filed to to call for the records pursuant to the proceedings in FIR in Crime No.384 of 2022 on the file of the Inspector of Police, K2 Ayyanavaram Police Station, Kilpauk, Chennai and quash the same.

2. When the matter is taken up, Mr.N.Naresh, learned counsel representing Mr.M.Kabilan, learned counsel for the petitioner prays adjournment.

3. However, this Court finds from the previous orders passed that, this case was adjourned from the date of admission on 20.02.2023 at the instance of the learned counsel for the petitioner. The learned counsel for the 2nd respondent during the last hearing submitted that, he was ready for the hearing and the matter was posted today as last chance for disposal. Today also the learned counsel for the petitioner is not ready. Therefore, this Court proceeded to dispose the petition on the basis of the materials available and the submission of learned counsel appearing for the respondents.

4. The learned counsel for the 2nd respondent submitted that, during the



Crl.O.P.No.3675 of 2023

incident, petitioner had damaged the entire petty shop belong to the 2nd respondent and also caused injuries to the 2nd respondent. Thus, he strongly opposes this petition.

5. The learned Government Advocate (Crl. Side) submitted that, investigation in this case is still pending and final report will be filed soon.

6. Considered the submissions and perused the records. It is seen from the FIR allegations that, on 03.10.2022, at about 02.30.p.m., one Sathish along with 4 others came to the defacto complainant's petty shop and asked for a cigarette. Defacto complainant had just come to the shop after finishing his lunch and asked Sathish to wait for 5 minutes. For which, Sathish scolded the defacto complainant in filthy language for asking him to wait. Again at about 04.30.p.m., Sathish along with four other persons came to the defacto complainant's shop and started attacking the defacto complainant with his hands and legs. Not only that, they also damaged the articles kept in the shop and also made criminal intimidation. On the basis of the complaint given by the defacto complainant, FIR in Crime No.384 of 2022 was registered.



Crl.O.P.No.3675 of 2023

7. The FIR allegations make out commission of cognizable offence by the petitioner and others. Therefore, this Court finds no merits to quash the FIR in Crime No.384 of 2022 as against the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

14.06.2023

Internet:Yes
Index:Yes/No
Sma

To:

1. The Inspector of Police,
K2 Ayyanavaram Police Station,
Kilpauk, Chennai.
2. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.O.P.No.3675 of 2023

G.CHANDRASEKHARAN, J.
sma

Crl.O.P. No.3675 of 2023

14.06.2023