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Crl.O.P No.13716 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.03.2023**

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.13716 of 2021

Gopinath

... Petitioner / Accused No.18

Vs.

1.State represented by
The Inspector of Police,
K-4 Police Station,
Chennai – 600 040.

2. S.Kalairasan

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.378 of 2020 and present charge sheet PRC No.40/2020 on the file of the V Metropolitan Magistrate Court At Egmore, Chennai and quash the same.

For Petitioners : Mr.L.K.Charles Alexander

For Respondent-1 : Mr.A.Gopinath
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records in PRC No.40/2020 on the file of the V Metropolitan Magistrate, Egmore, Chennai and quash the same.

2. The petitioner is the 18th accused in the above case. The occurrence stated in the FIR would relate to the unrest caused by a mob on 19/20.04.2020 at about 12.10 a.m. when the body of the deceased Simon Hercules was brought by the second respondent officials for burial. When the deceased body was taken to Kilpauk burial ground, a mob started to cause troubles by throwing stones and creating unrest. When the second respondent's officials turned away from Kilpauk burial ground and shifted the deceased body to Velankadu burial ground at Anna Nagar, they were intercepted by another Mob and they have also caused problem by preventing them from burying the body there. On the complaint given by the second respondent in this regard, a case has been registered against four named accused in Cr. No.378/2020 for the offence under Sections 147,148, 294(b), 332, 324, 307, 269 and 506(ii) IPC r/w. Section 3(1) of TNPPDL Act, 1992 and subsequently after investigation charge sheet has been filed



against 22 accused in P.R.C. No.40/2020 for the offence under Sections 147,148, 294(b), 332, 324 (2 counts), 326 (3 counts), 297, 307, 506(ii) IPC r/w. Section 149 & 5 Cl(i) of TNPPDL Act, 1992.

3. The learned counsel for the petitioner submitted that on the day of occurrence the petitioner was just coming back from his night duty and he did not involve in any offence as alleged by the prosecution; but he was unnecessarily harassed and detained in prison; even among the named accused, some of the accused were released on bail immediately after registration of FIR, however, this petitioner was detained under Act 14 of 1982; without any materials against the accused, if the accused is subjected to the ordeal of trial, that will defeat the ends of justice; hence the proceedings should be quashed as against this petitioner.

4. The learned Government Advocate (Crl.side) submitted that even though FIR was registered against four named persons, in view of the facts that came to light during investigation, the names of other accused have been added and the petitioner is one among the other accused who caused unrest on the date of occurrence; only if the petitioner participates in trial,



he can prove all his submissions now made before this Court.

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5. From the submission made by the learned Government Advocate now it is known that the charge sheet in PRC No.40/2020 has been culminated to S.C. No.175/22 on the file of XX Metropolitan Magistrate, Allikulam and the matter stands posted for framing of charges. In view of the order of stay granted, the matter cannot be proceeded further.

6. As submitted by the learned Government Advocate the participation of the petitioner in the unrest that was caused on the alleged day of occurrence cannot be known if the petitioner does not participate in the trial. There are witnesses who have spoken about the presence of petitioner also and only in view of that charge sheet has been filed against the petitioner.

7. Since the occurrence had taken place in the year 2020 and the charge sheet has been culminated in the year 2022 and now it is pending before XX Metropolitan Magistrate, Allikulam, I feel the interest of justice can be served if a direction is given to the trial Court to conclude the trial as expeditiously as possibly preferably within a period of six months.



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8. Accordingly this Criminal Original Petition is disposed with a direction to the XX Metropolitan Magistrate, Allikulam to complete the trial in S.C.No.175/22 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

01.03.2023

Index : Yes/No
bkn

To:

1. The XX Metropolitan Magistrate, Allikulam.
2. The Inspector of Police,
K-4 Police Station,
Chennai – 600 040.
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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