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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.7303 of 2023
and Crl.MP.Nos.4651 and 8757 of 2023

Mr.D.Madhanraj, M/46
Son of M.Dillibabu

..Petitioner

.VS.

1.State rep.by its
Sub Inspector of Police
H-3 Tondiarpet Police Station
Chennai 600 021.
(Crime No.362 of 2022)

.. 1st Respondent/Complainant

2.M.P.Vasantharaj
Son of M.Paneerselvam

..2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to CC.No.229 of 2023, pending on the file of the learned XV Metropolitan Magistrate Court at Chennai and quash the same.

For Petitioner : Mr.K.Bommuraj

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

Mr.R.C.Manoharan for R2



ORDER

This criminal original petition was filed challenging the proceedings before the XV Metropolitan Magistrate Court, Chennai in C.C.No.229 of 2023.

2.The de facto complainant gave a complaint to the effect that on 16.9.2022 at about 7.45 am, when the de facto complainant was not present in his office, the petitioner had video graphed the office of the de facto complainant in his mobile phone and he had also further enquired the priest of temple which was next to his office as to who was receiving the rents for the office of the de facto complainant. Similar such inquiries was also made to a vegetable vendor. Based on this complaint, an FIR came to be registered in Crime No.362 of 2022 for offence u/s.384, 506(1) r/w 511 IPC. The investigation was completed and the final report was filed before the Court below and the same was taken on file by the Court below in C.C.No.229 of 2023.

3.When the matter came up for hearing on 01.8.2023, this Court passed the following order:

Heard the learned counsel appearing on either side.

2.Considering the nature of grievance that has been expressed in this case, there shall be a direction to the petitioner to file and undertaking before this Court during the next date of hearing. A copy of the same shall also be furnished to the learned counsel for the 2nd respondent. Considering the same, final orders will be passed in this criminal original petition.

3.Post this case under the caption "for orders" on 21.8.2023.



4.The matter was taken up for hearing today and the petitioner has filed an affidavit. The relevant portion in the affidavit is extracted hereunder:

"4.I state that I undertake that in future, I will not take photographs or video graph, of the office of the 2nd respondent in any manner".

5.Taking into consideration the relationship between the petitioner and the 2nd respondent and also the nature of grievance that was expressed by the 2nd respondent, the undertaking given by the petitioner will sufficiently redress the grievance and it will also take care of the interest of the 2nd respondent. The petitioner has undertaken that he will not take any photographs or video graph, of the office belonging to the 2nd respondent. In view of the same, no useful purpose will be served in continuing with the criminal proceedings before the Court below.

6.In the light of the above, the proceedings in C.C.No.229 of 2023, pending on the file of the learned XV Metropolitan Magistrate Court, Chennai, is hereby quashed and this criminal original petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed.

21.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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N. ANAND VENKATESH,, J.

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To

1.Sub Inspector of Police

H-3 Tondiarpet Police Station

Chennai 600 021.

2. XV Metropolitan Magistrate Court
Chennai.

3.Public Prosecutor
High Court, Madras.

CrI.O.P No.7303 of 2023

21.08.2023