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Crl OP No.22673/ 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.22673 of 2021

and

Crl.M.P.No.12340 of 2021

S. Natarajan alias Nagarajan

...Petitioner

Versus

1. The State Represented by
The Inspector of Police
K – 1, Sembium Police Station
Chennai – 600 011.

2. Sailendiran

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code seeking to call for the records relating to the proceedings in C.C.No.4690 of 2019 on the file of the Learned V Metropolitan Magistrate at Egmore and to quash the same.

For Petitioner : Mr.D.Vijayan

For R1 : Mr.A.Damodaran
Additional Public Prosecutor



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For R2 : No Appearance

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ORDER

The petition is to quash the final report in C.C.No.4690 of 2019 on the file of the V Metropolitan Magistrate, Egmore, Chennai for the alleged offences under Sections 341, 294 (b), 353, 506(1) of IPC.

2. It is alleged in the final report that the petitioner and others had stopped the members of the public, who had come to the Thasildhar office to make applications and when questioned by the second respondent/Tashildhar and other public servant, they had abused them in filthy language.

3. Mr.D.Vijayan, the learned counsel for the petitioner would submit that the allegations in the impugned final report cannot be sustained; that even as per the materials filed in support of the Final Report, the petitioner had never met the second respondent; that therefore, the question of offence under Section 341 of IPC does not arise; that the offence under Section 353 of IPC is not made out, since the petitioners had neither assaulted nor used criminal force on the public



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servants and; that neither Section 294 (b) of IPC nor 506 (1) of IPC is made out on the allegation in the impugned final report.

4. Mr. A.Damodaran, the learned Additional Public Prosecutor submitted that trial has commenced and L.W.1 had already been examined and; that the points raised by the petitioner are factual and can be adjudicated only before the trial Court.

5. This Court is of the view that the points raised by the petitioner are factual in nature and have to be adjudicated before the trial Court. Hence, this Court is not inclined to enter this quash petition. However, the petitioner is at liberty to raise all the points before the Trial Court. The learned V Metropolitan Magistrate, Egmore, Chennai may expedite the trial and complete it preferably within a period of two (2) months from the date of receipt of a copy of this order.

6. The personal appearance of the petitioner before the trial Court is dispensed with unless the learned Magistrate considers his presence necessary for the progress of the trial.



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7. With the above observations, this Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed.

22.06.2023

dk

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The V Metropolitan Magistrate,
Egmore
Chennai.

2. The Public Prosecutor
High Court of Madras
Chennai – 600 104.

3. The Inspector of Police
K – 1, Sembium Police Station
Chennai – 600 011.



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SUNDER MOHAN, J

dk

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