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Crl.O.P.No.19868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.19868 of 2023
and Crl.M.P.Nos.13456 and 13458 of 2023**

R.Selvam

.. Petitioner

Versus

**1. State rep by its,
The Inspector of Police,
Kalapet Police Station,
Puducherry.
(Cr.49 of 2015)**

2. Tasneem Abbasi

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet filed in C.C.No.112 of 2017 pending on the file of the learned Judicial Magistrate No.II, Pondicherry insofar as the petitioner / accused No.13 is concerned.

For Petitioner : Mr.K.Gandhi Kumar

**For Respondents : Mr.M.V.Ramachandra Murthy,
Additional Public Prosecutor
(Pondicherry), for R1**

ORDER



Crl.O.P.No.19868 of 2023

WEB COPY

This petition has been filed challenging the proceedings in C.C.No.112 of 2017 pending on the file of the learned Judicial Magistrate No.II, Pondicherry.

2. The case of the prosecution is that on 18.08.2015 at about 12:40 hours, the accused persons (A1 to A27) joined together and formed an unlawful assembly and they insulted the second respondent and her sister and also caused damage to the Car belonging to the second respondent by breaking the front and rear windscreen and also the side view mirrors. That apart, the accused persons also threatened the de-facto complainant with dire consequences. Based on the complaint given by the second respondent, an F.I.R came to be registered in Crime No.49 of 2015. Ultimately on completion of investigation, Final Report was filed before the Court below as against 27 accused persons and it was taken cognizance for offences under Sections 143, 354, 294(B), 427, 506(I) of I.P.C r/w Section 149 of I.P.C. The petitioner who is arrayed as A13 has approached this Court seeking to quash the proceedings.



Crl.O.P.No.19868 of 2023

WEB COPY

3. When the matter came up for hearing on 08.09.2023, this Court directed the learned Judicial Magistrate No.II, Puducherry to submit a report since the case has been pending from the year 2017 onwards without any progress. Accordingly, the learned Judicial Magistrate No.II, Puducherry has submitted a report before this Court.

4. On carefully reading the report, it is seen that the summons was able to be served only on A1 to A20 and they were appearing before the Court. However, insofar as A21 to A27 are concerned, the Police are not able to trace their present address and they have all relocated at different places. Various reminders were sent to locate the whereabouts of A21 to A27 and it is yet to be ascertained. In view of the same, the case is pending at the stage of service of summons to the accused persons and there has been absolutely no progress in the case from the year 2017 onwards.

5. Heard Mr.K.Gandhi Kumar, learned Counsel for the petitioner and Mr.M.V.Ramachandra Murthy, learned Additional Public Prosecutor (Pondicherry) for the first respondent.



Crl.O.P.No.19868 of 2023

WEB COPY

6. This is a case which involves the accused persons forming into an unlawful assembly and causing threat and abusing the de-facto complainant who is a Professor working at Pondicherry University. The incident had taken place in the year 2015 and it is almost 8 years since this incident had taken place and the summons is yet to be served on some of the accused persons. Many accused persons in this case are students who were studying in the University at the relevant point of time. At this length of time, it will be very difficult to identify the accused persons in this case. No useful purpose will be served in continuing further with the proceedings. The fact that the other accused persons have been facing criminal prosecution for the last six years by itself is a sufficient punishment and the curtains will have to be drawn and this case has to be brought to an end.

7. In the light of the above discussion, the proceedings in C.C.No.112 of 2017 pending on the file of the learned Judicial Magistrate No.II, Pondicherry is quashed in its entirety and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

25.09.2023

Index : yes/no
Speaking order/Non-speaking order



Crl.O.P.No.19868 of 2023

Neutral Citation : yes/no
grs

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To

1. The Judicial Magistrate No.II,
Pondicherry.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Kalapet Police Station,
Puducherry.



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N.ANAND VENKATESH, J.

grs

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