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Crl.O.P.No.19323 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.19323 of 2019

A.Magendran

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
T9-Pattabiram Police Station,
Ambattur District.
(Crime No.1138 of 2017)

2.T.Asokan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quashing the Final Report against the petitioner in C.C.No.05 of 2018 on the file of the Learned Judicial Magistrate Court-II, Thiruvallur.

For Petitioner : Mr.K.S.Thiyagarajan

For Respondents : Mr.A.Damodaran,
Addl. Public Prosecutor for R1
No appearance for R2
(Notice not ready)



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ORDER

This petition is filed to quash the final report in C.C.No.05 of 2018 on the file of the learned Judicial Magistrate Court-II, Thiruvallur for the offence under Sections 147, 148, 294(b), 336, 506(ii) and 34 of IPC.

2. On the complaint lodged by the 2nd respondent, the 1st respondent Police registered a case in Crime No.1138 of 2017 and after investigation, he filed a final report and the same has been taken cognizance for the offences under Sections 147, 148, 294(b), 336, 506(ii) of IPC and 27(1) of the Arms Act 1959 in C.C.No.5 of 2018 by the learned Judicial Magistrate No.II, Thiruvallur. It is alleged in the final report that the accused armed with weapons acted in such a manner as to create panic and fear in the minds of the public and when the defacto complainant questioned he was threatened and abused in filthy language. The petitioner is arrayed as A4. It is not alleged that he along with others threatened the defacto complainant.

3. Learned counsel for the petitioner would submit that the allegations against the petitioner is vague and bald; that the petitioner a student; that the



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impugned proceedings would affect his educational career; that the complaint has been lodged only because of prior enmity between the students of two different colleges; that in the very same case, this Court had quashed the proceedings as against A7 in Crl.O.P.No.3468 of 2019 dated 25.04.2019 and, prayed for quashing of the proceedings against the the petitioner. He would also submit that in the earlier proceedings, the parents of the student had filed an affidavit stating that they would take responsibility of their son's behaviour and prayed for an opportunity to his ward to mend his ways. He would further submit that the petitioner's mother has filed a similar affidavit in this case.

4. Learned Additional Public Prosecutor would submit that there are allegations against the petitioner in the impugned final report. However it is true that in respect of A7, this Court quashed the proceedings by accepting the affidavit of the parents.

5. Though notice has been served on the defacto complainant, none has entered appearance. It is also represented by the learned Additional Public Prosecutor that the whereabouts of the defacto complaint are not known.



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6. On perusal of the final report, it reveals that there is a dispute between the college students. A vague allegation has been made against the college students in which the petitioner is one among them. This Court had earlier accepted the affidavit of a parent and quashed the proceedings in respect of A7 by holding as follows:

“4. The petitioner is being a student, after that he should not indulge in any illegal activities and he should concentrate his studies.

5. Considering the facts and circumstance, the petitioner/A7 is a Student and also considering the affidavit filed by the parents of the petitioner/A7, this Court is inclined to quash the proceedings as against the petitioner/A7.”

7. The petitioner's mother has filed a similar affidavit in this case. The petitioner's case is similar to A7's case. Therefore, this Court is inclined to quash the proceedings as against the petitioner based on the aforesaid view taken by this Court in Crl.O.P.No.3468 of 2019. Hence, this Criminal Original Petition is allowed.

15.03.2023

Index: Yes/No
Speaking / Non Speaking Order
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To
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1. The Judicial Magistrate Court-II,
Thiruvallur.
2. The Inspector of Police,
T9-Pattabiram Police Station,
Ambattur District.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J

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