



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.17705 & 19947 of 2023

Crl.M.P.Nos.13544, 13545, 11650 & 11651 of 2023

T.Suriya

... Petitioner
in Crl.O.P.No.17705 of 2023

Sri Narayanan @ Sree Narayan

... Petitioner
in Crl.O.P.No.19947 of 2023

Vs.

1.State Rep. by its
The Inspector of Police (L & O),
D-6, Anna Square Police Station,
Chennai – 5.
(Crime No.65 of 2022)

2.Y.Salamon, (Sub Inspector of Police)
D-2, Annasalai Traffic Police Station,
Chennai – 2.

...Respondents
in both Crl.O.Ps

PRAYER in Crl.O.P.No.17705 of 2023: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.2307 of 2023 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai-8 and quash the proceedings therein.



PRAYER in CrI.O.P.No.19947 of 2023: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the impugned final report in C.C.No.2307 of 2023 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.J.Ramesh
in CrI.O.P.No.17705 of 2023

For Petitioner : Mr.M.Vijaya Ragavan
in CrI.O.P.No.19947 of 2023

For Respondent : Mr.A.Damodaran
in CrI.O.P.No.17705 of 2023 Additional Public Prosecutor
for R1

For Respondent : Mr.A.Gopinath
in CrI.O.P.No.19947 of 2023 Government Advocate (CrI. Side)
for R1

Mr.M.Vijayaragavan for R2
in CrI.O.P.No.17705 of 2023

ORDER

These petitions have been filed to quash the proceedings in C.C.No. C.C.No.2307 of 2023 pending on the file of the learned II Metropolitan Magistrate, Egmore, Chennai-8.



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2.The case of the prosecution is that the accused persons who were traveling in a car were intercepted by the 2nd respondent and they were subjected to breath analysis test. At that time, the accused persons are said to have picked up the quarrel with the 2nd respondent and A1 was also found to have consumed alcohol and the accused persons are said to have prevented the police officer from performing his duty.

3.Considering the facts and circumstances of the case, this Court directed both the accused persons to file an affidavit before this Court regretting for the incident. Accordingly, the petitioners in both the petitions have filed individual affidavits expressing regret for the incident. They have also undertaken that they will not involve in any such activities in future and sought for unconditional apology.

4.Considering the facts and circumstances of the case and also the unconditional apology tendered by the petitioners, no useful purpose will be served in making the petitioners to undergo the rigor of a criminal trial. In view of the above, proceedings in C.C.No.2307 of 2023 pending on the file of the learned II Metropolitan Magistrate, Egmore, Chennai-8, is hereby quashed.



5. Accordingly, these criminal original petitions are allowed.

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6. It is brought to the notice of this Court that a counter complaint was also given before the 1st respondent and the same was taken on file in C.S.R.No.69 of 2022. In view of the main proceedings itself being quashed, C.S.R.No.69 of 2022 shall also be closed.

25.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr



To
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- 1.The II Metropolitan Magistrate, Egmore, Chennai-8.
- 2.The Inspector of Police (L & O),
D-6, Anna Square Police Station,
Chennai – 5.
(Crime No.65 of 2022)
- 3.Y.Salamon, (Sub Inspector of Police)
D-2, Annasalai Traffic Police Station,
Chennai – 2.
- 4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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