



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19516 of 2023
and Crl.M.P.Nos.13173 & 13174 of 2023

Syed Zakriya

... Petitioner

Vs.

1.State Rep. by: The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.

2.Balu

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings pending trial in C.C.No.237 of 2023 on the file of the Metropolitan Magistrate No.VIII, George Town, Chennai.

For Petitioners : Mr.P.Vishnu

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor for R1

ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.237 of 2023 pending on the file of the Metropolitan Magistrate No.VIII, George Town, Chennai.

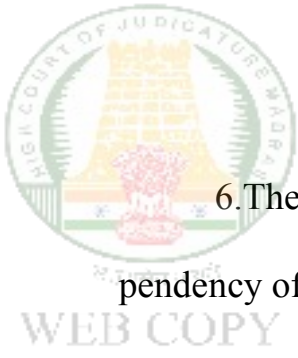


WEB COPY

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3. The case of the prosecution is that the accused persons had stolen five calves and had butchered them and had also sold them in the mutton shop. Totally there are three aggrieved persons in this case viz., LW1, LW2 and LW3, whose calves were stolen. The complaint was lodged by LW1 based on which an FIR came to be registered in Crime No.889 of 2020 on 04.07.2020 for offence under Section 379 of IPC. The petitioner has been arrayed as A4 in this case.

4. When the matter came up for hearing on 01.09.2023, the learned counsel for the petitioner submitted that the petitioner is a M.Com., graduate who was working in the mutton shop owned by A2 on daily wage basis. The learned counsel submitted that he was not aware about the so-called theft of the calves. It was contended that the petitioner was added as an accused only on the ground that he is working for A2. Even as per the case of the prosecution, only three persons were identified to have indulged in the theft of the calves. The learned counsel submitted that the petitioner has to take care of his family and he has got a job abroad.



6.The learned Additional Public Prosecutor submitted that LW2 died during the pendency of this case.

5.Taking into consideration the facts and circumstances of the case and the materials placed before this Court, this Court deems it fit to direct the petitioner to deposit a sum of Rs.20,000/- to the account of C.C.No.237 of 2023. The overt act of the petitioner is not very clearly established and his name has been added just because he was working for A2. The petitioner is directed to deposit the amount, within a period of two weeks from the date of receipt of copy of this order.

6.In the result, the proceedings in C.C.No.237 of 2023 pending on the file of the Metropolitan Magistrate No.VIII, George Town, Chennai, is hereby quashed insofar as the petitioner is concerned subject to complying with the condition imposed by this Court and accordingly, this criminal original petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

07.09.2023

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



WEB COPY



N.ANAND VENKATESH, J

SSR

To

- 1.The Metropolitan Magistrate No.VIII, George Town, Chennai.
- 2.The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.19516 of 2023
and Crl.M.P.Nos.13173 & 13174 of 2023

07.09.2023