



WEB COPY



Crl.O.P.No.23452 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.23452 of 2019
and Crl.M.P.No.12323 of 2019

Murugan

... Petitioner / sole Accused

Vs.

State rep by its,
The Inspector of Police,
Jayankondam Police Station.
Ariyalur District.
Crime No.441 of 2017

... Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the Charge Sheet filed in S.T.C.No.505/2018 pending on the file of the Judicial Magistrate Court – 1, Jayankondam, Ariyalur District insofar as the petitioner is concerned.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to quash the Charge Sheet filed in S.T.C.No.505/2018 pending on the file of the Judicial Magistrate Court – 1, Jayankondam, Ariyalur District.

1/6



WEB.COM

2. The petitioner who is a practicing Advocate in Jayankondam is the sole accused in this case. The defacto complainant who is a Court Constable gave a complaint against the petitioner by alleging that on 05.10.2017, while he came to attend the Court proceedings on behalf of Pazhur Police Station with regard to Crime No.324 of 2009, the Doctor witness was supposed to be examined; since the Judge was on leave, the Court constable approached the Magistrate Clerk to accommodate the hearing on 06.10.2017; during that time, the petitioner came there and told him that he cannot get adjournments as per his whims and threatened that he would file a petition against him that he had received bribe. Subsequently on 06.10.2017, when the Doctor witness came to the Court at 10.30 am, the petitioner wantonly delayed and came to Court at 1.00 p.m and cross examined the Doctor witness. Thereafter he threw away the bags of the Police and threatened them that they could not keep it in that place. Hence, the complaint. After completion of investigation, charge sheet has been filed.



Crl.O.P.No.23452 of 2019

3. Heard the learned counsel for the petitioner and the learned

Government Advocate (Crl. Side) counsel appearing for the respondent.

4. The learned counsel for the petitioner submitted that the petitioner is a practicing Advocate and he used to behave well and there is no previous adverse remarks upon his conduct. The defacto complainant exaggerated the trivial issue occurred due to exchange of words between himself and the petitioner. The petitioner has not prevented the defacto complainant from executing his official work; more so, the witnesses cited in the charge sheet are all Police witnesses.

5. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that though the petitioner is a practicing advocate he has abused the defacto complainant in harsh words and threatened him. He also threw away the records outside the Court hall and prevented the defacto complainant from executing his official work.

6. Since the witnesses happen to be the Police officials who were



Crl.O.P.No.23452 of 2019

present in the Court, they have been arrayed as witnesses. The petitioner is said to be a practicing Advocate at Jayankondam Magistrate Court. The place of occurrence is inside the Court hall. However neither the Court officials nor any other persons who had come to Court on the date of hearing have been cited as witnesses. The complaint would show that there was some previous enmity between the petitioner and the Court Constable. Though it is something un-pleasant, I do not find any criminality on the basis of records available. The petitioner being a practicing Advocate and the defacto complainant being a Police Constable, they have to maintain cordiality between themselves. In order to avoid further complications and also considering the circumstances surrounding the occurrence, I feel it is appropriate that the proceedings should be quashed in the interest of justice. This Criminal Original Petition is allowed accordingly. The Charge Sheet in S.T.C.No.505 of 2018 on the file of the Judicial Magistrate Court – 1, Jayankondam, Ariyalur District is hereby quashed.

06.01.2023

vum

Index:yes/No

Speaking order / Non speaking order



Crl.O.P.No.23452 of 2019

To
WEB COPY

1. The Inspector of Police,
Jayankkondam Police Station.
Ariyalur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.O.P.No.23452 of 2019

R.N.MANJULA,J.

vum

Crl.O.P.No.23452 of 2019
and Crl.M.P.No.12323 of 2019

06.01.2023