



WEB COPY

Crl.O.P.No.21291 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.21291 of 2023
and
Crl.M.P. Nos.14685 & 14686 of 2023

S.Raguman

... Petitioner

-VS-

1.The State Rep. by its
The Inspector of Police,
E1, Mylapore Police Station,
Chennai.

2.Amjath Hussain

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.1939 of 2023 on the file of XVIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioner : Mr.B.Sharmila

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

**ORDER**

The petition to quash the Criminal Case in C.C. No.1939 of 2023 on the file of the Metropolitan Magistrate, Saidapet. The petitioner, who is a practising advocate is before this Court to quash the case against him on the ground that he was a common friend to the family of the defacto complainant and the accused and he went to the house of the defacto complainant accompanying with other accused except there is no overt act.

2. However, the complaint reads that the defacto complainant's daughter married the son of A1 in the year 2020, within two years, the husband of the defacto complainant and the son of A1 viz., Abdul Hameed passed away leaving behind the 13 months old toddler. Regarding the custody of the child and other issues, dispute has arisen between the family of the defacto complainant and A1. On 05.12.2022, the accused alongwith the petitioner had gone to the house of the defacto complainant broken the house alleged to have ransacked the materials found in the house. The case has been registered against A1 Amanullah and others including the petitioner herein for accompanying them.

3. According to the petitioner, he is a common friend for both and he along with A1 and others, went to that house to check whether a child was inside the house. Except his presence at SOC, there is no overt act. However,



the final report indicates that the petitioner had gone alongwith other accused to the house of the defacto complainant and damaged articles inside the house. Since Section 161 of Cr.P.C statement of the witnesses implicates the petitioner as accused, it is not a fit case to quash. Hence this petition is dismissed.

4. Learned counsel for the petitioner prays for dispense with the personal appearance of the petitioner during the trial. He being an practising Advocate, if any special vakalat or petition filed under Section 317 of Cr.P.C and the same may be entertained by the trial Court with an undertaking that he should be present on all crucial dates like questioning and on appearance of witnesses called to identify the accused and other dates whenever his presence is necessary.

5. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

06.10.2023

Internet : Yes/No
Index : Yes/No
rkp

Dr.G.JAYACHANDRAN, J.



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rkp

To

- 1.The Inspector of Police,
E1, Mylapore Police Station,
Chennai.
- 2.The Public Prosecutor,
Madras High Court, Madras.

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and
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