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Crl.OP.No.1877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1877 of 2023

and

Crl.M.P.Nos.1057 and 1059 of 2023

A.Vinoth

... Petitioner

Vs.

The State represented by
The Sub-Inspector of Police,
Ranipet Police Station,
Ranipet District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.99 of 2021, on the file of the District Munsif cum Judicial Magistrate, Ranipet, and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

The Criminal Original Petition has been filed to call for the records relating to C.C.No.99 of 2021, on the file of the District Munsif cum Judicial Magistrate, Ranipet, and quash the same in so far as the petitioner is concerned.

2. Learned counsel for the petitioner submitted that, petitioner is the 4th accused in C.C.No.99 of 2021. He is falsely implicated in this case. His name is not found in the First Information Report. However, on the false statement given by witness, his name is included in the final report. Petitioner is an Engineer and he is not involved in this offence. Therefore, this petition is filed for the quashment of C.C.No.99 of 2021, on the file of the District Munsif cum Judicial Magistrate, Ranipet.

3. In response, learned Government Advocate (Criminal side) submitted that, petitioner along with the accused had celebrated birthday of one Raman in a public place causing disturbance to the traffic and general public. When it was



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pointed out to the petitioner and other accused that, they should not disturb the public and traffic, then accused said to have scolded the defacto complainant and others in a filthy language and prevented the police from performing the public duty.

4. Considered the rival submissions and perused the records.

5. The reading of the First Information Report and final report shows that, on 17.03.2019, at about 17.15 hours, the accused in this case assembled near Ranipet, Rajeshwari Theatre unlawfully and celebrated the birthday of one Raman by cutting a cake in a public place causing disturbance to the traffic and public peace. They also compelled the persons standing there to eat the cake. When the defacto complainant along with police party told them to celebrate the birthday without disturbing the public, the accused had scolded the defacto complainant and the police party in a filthy language and refused to go from the place. They also parked their two wheelers disturbing the free flow of traffic. Therefore, a case was registered under Sections 143, 341, 294(b), 353 of IPC in



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Crime No.185 of 2019. After investigation, final report was filed for the same offences. It is seen from the statement of the witnesses that, defacto complainant and other police officials reiterated the case of the prosecution as narrated in the First Information Report. Two private witnesses namely Ajith and Manimaran have also narrated and corroborated the incident and named the petitioner.

6. From the materials produced in this case, this Court finds that, there are materials for proceeding with the trial against the petitioner. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

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Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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G.CHANDRASEKHARAN,J.

gd

To

- 1.The District Munsif cum Judicial Magistrate, Ranipet
- 2.The Sub-Inspector of Police,
Ranipet Police Station,
Ranipet District.
- 4.The Public Prosecutor,
Madras High Court.

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