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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-12-2023

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THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.27207 of 2023

And

Crl.MP Nos.18891 and 18892 of 2023

Elango

... Petitioner/Accused No.4

Vs.

The Sub Inspector of Police,
Tambaram Police Station,
West Tambaram,
Chennai-45.

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet pending on the file of the Judicial Magistrate, Tambaram in CC No.488 of 2017 filed by the respondent herein and quash the same.



For Petitioner : Mr.V.Karthick
For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate
(Criminal Side).

ORDER

The present Criminal Original Petition has been filed to quash the case in CC No.488 of 2017 on the file of the learned Judicial Magistrate, Tambaram and based on the suo motu complaint given by the Inspector of Police, a case has been registered against this petitioner for the offences punishable under Sections 188, 71-A(1), 71(xv) and 74 of the Tamil Nadu City Police Act.

2. The allegation against the petitioner is that on 04.09.2017, during the Vinayagar Idol Procession, the petitioner delayed the procession causing ruckus and disturbance to the public peace and movement.

3. The present Criminal Original Petition has been filed on the ground that the complaint is by the police itself and not by any public. The procession was taken with the permission of the police and no amplifier used in



the procession and nothing seized by the Investigation Officer (IO) and produced before the Court.

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4. The learned Government Advocate (Criminal Side), appearing on behalf of the respondent submits that soon after the completion of the investigation, Final Report was filed and the delay is due to non-service of summon to the accused. The petitioner before this Court is the fourth accused.

5. From the records, the learned Government Advocate (Criminal Side), appearing on behalf of the respondent states that summon is yet to be served to this accused. Since the accused is now before this Court, it is suffice to direct the accused to appear before the Trial Court on the next hearing date and participate in the trial.

6. In view of the above, the Trial Court is directed to complete the trial within a period of three months from today. If there is any difficulty on the part of the prosecution in completing the trial, all further proceedings shall be stayed after the expiry of the abovesaid three months period.



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7. With the abovesaid directions, the present Criminal Original
Petition stands disposed of. Consequently, the connected Criminal
Miscellaneous Petitions are closed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Judicial Magistrate,
Tambaram.

2. The Sub Inspector of Police,
Tambaram Police Station,
West Tambaram,
Chennai-45.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

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DR.G.JAYACHANDRAN, J.

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