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Crl.O.P.No.920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.920 of 2024
And
Crl.M.P.Nos.576 and 578 of 2024**

1.Lalithkumar
2.Dhileeban

... Petitioners

Vs.

1.The State rep. by,
The Inspector of Police,
Soundarapandiyanar Angadi Police Station
Chennai District.
(Crime No.523/2016)

2.Janarthanan

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the entire records in pursuant to C.C.No.4499 of 2016 on the file of Metropolitan Magistrate Court – XVII, Saidapet, Chennai and quash the entire proceedings against the petitioner herein in C.C.No.4499 of 2016 on the file of Metropolitan Magistrate Court – XVII, Saidapet, Chennai.

For Petitioners : Mr.R.Thamarai Selvan
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed seeking to quash the proceedings in C.C.No.4499 of 2016 on the file of the Metropolitan Magistrate Court – XVII, Saidapet, Chennai.

2.The case of the prosecution is that the second respondent was involved in a patrol duty on 04.08.2016 and at about 3.30 a.m., the petitioners were travelling in a two wheeler and they were intercepted and interrogated. It was found that the petitioners were under the influence of alcohol and when they were questioned, they seem to have abused the second respondent and have informed that they are Lawyers. Based on this incident, an FIR came to be registered in Crime No.523 of 2016 and on completion of investigation, final report has been filed before the Court below which has been taken on file in C.C.No.4499 of 2016 and the Court below has taken cognizance for offence under Sections 294(b), 353, 506(1) of IPC read with 75(1)(a) of Tamil Nadu City Police Act.

3.When the matter came up for hearing on 19.01.2024, it was brought to the notice of this Court that non bailable warrants are pending against the petitioners and therefore this Court directed the



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petitioners to surrender before the Concerned Court and recall the non bailable warrants and thereafter approach this Court. Hence, the petitioners surrendered before the concerned Court and non bailable warrants were also recalled. The case came up for hearing on 07.02.2024 and this Court directed the petitioners to file an affidavit before this Court apologising for their conduct and to regret for the incident that had taken place.

4. When the matter was taken up for hearing today, both the petitioners were present before this Court and they filed individual affidavits.

(i) The relevant portion in the affidavit filed by the first petitioner is extracted hereunder:

"3. I humbly submit that I am expressing my sincere apology for my act and discomfort, distress caused by consumption of alcohol. I further submit that I realized that alcohol makes negative impacts in my life and also I assure that hereafter I will not consume alcohol, I will not disturb public authorities, or any person. I assure the court that such errors will not occur in the future, and I will strive to uphold the integrity and respect of the



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legal process."

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(ii)The relevant portion in the affidavit filed by the second petitioner is extracted hereunder:

"3. I humbly submit that I am expressing my sincere apology for my act and discomfort, distress caused by consumption of alcohol. I further submit that I realized that alcohol makes negative impacts in my life and also I assure that hereafter I will not consume alcohol, I will not disturb public authorities ,or any person. I assure the court that such errors will not occur in the future, and I will strive to uphold the integrity and respect of the legal process."

5.The petitioners stated that this incident had happened long time ago and presently the first petitioner has completed law and is awaiting for enrollment and the second petitioner is a practising Advocate.

6.Considering the facts and circumstances of the case and also the fact that the petitioners have apologised for their conduct and this incident had taken place when the petitioners were studying in the



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College and they were in the grips of harmones and the petitioners having now regretted for what they did and apologised for their conduct, this Court is inclined to exercise its jurisdiction under Section 482 of Cr.P.C. to interfere with the criminal proceedings. Ultimately, the future of both the petitioners is at stake and both the petitioners want to practice law and establish a career.

7.In the light of the above discussion, the proceedings in C.C.No.4499 of 2016 on the file of Metropolitan Magistrate Court – XVII, Saidapet, Chennai, is hereby quashed and this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

12.02.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Metropolitan Magistrate Court – XVII,
Saidapet, Chennai.
- 2.The Inspector of Police,
Soundarapandiyanar Angadi Police Station
Chennai District.
(Crime No.523/2016)

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3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

N.ANAND VENKATESH,J.
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