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Crl.OP.No.8453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8453 of 2024

and

Crl.MP.No.6180 of 2024

S.Sreevathsan

.... Petitioner

Vs.

1. The State Rep by
The Sub-Inspector of Police
St.Thomas Police Station,
Chennai

2.Thirumal

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the proceedings in C.C.No.515/2018 on the file of the learned Judicial Magistrate No.1, Alandur and quash the final report.

For Petitioner : Mr.N.D.Sivakumaran

For Respondents : Mr. S.Udaya Kumar for R1
Government Advocate (Crl.Side)



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ORDER

The petitioner herein is the sole accused facing trial in C.C.No.515 of 2018 on the file of learned Judicial Magistrate-I, Alandur for charge under Sections 323, 294b, 506(ii) of IPC. The petitioner is a Call Taxi Driver. Based on the complaint given by one Thirumal, a case has been registered against him on 07.06.2018. Soon after the completion of investigation within a month, final report has filed and the same has been taken cognizance by the learned Judicial Magistrate-I, Alandur, but, even after lapse of six years, the trial has not yet commenced. The present petition is filed to quash the complaint on the ground that the false case been registered against him for questioning erection of ruling party banner disturbing the free flow of traffic and even after lapse of five years, the respondent police has not able to marshal his witnesses to complete the trial.

2. This Court on perusing the FIR, 161 Statement of the witnesses and the alleged confession statement of the accused finds that because the petitioner has questioned erecting banners unauthorizedly disturbing the traffic, the case has been registered at the biggest of one Thirumal,. a member of the ruling party at that time. As if the petitioner has destroyed the party banner and threatened the defacto complainant by showing



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knife and also abused him with obscene language. Though the investigation completed and final report filed within a period of one month for reason does not known that the police has not marshal the witnesses even after five years.

3. This Court is of the view that the petitioner cannot be put to ordeal of facing that trial for years together without any progress. Hence, the petition to quash is allowed. C.C.No.515 of 2018 on the file of learned Judicial Magistrate-I, Alandur stands quashed.

4. Accordingly, this Criminal Original petition is allowed.

10.04.2024

Vv

To

1. The Judicial Magistrate No.1,
Alandur.
2. The Sub-Inspector of Police
St.Thomas Police Station,
Chennai
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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