



Criminal Original Petition No.5474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5474 of 2024

and

Crl.M.P.Nos.3990 & 3991 of 2024

S.Manju Selvamani

D/o.Selvamani

... Petitioner

Vs.

The State represented by its
The Sub-Inspector of Police,
J-4 Kotturpuram Police Station,
Chennai - 600 085.

Crime No.246 of 2022

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the case in C.C.No.2952 of 2022 pending trial on the file of IX Metropolitan Magistrate, Saidapet, Chennai and quash the same with regard to this petitioner.

For Petitioner : Mr.V.Karthic, Senior Counsel
for Mr.K.G.Senthil Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed by A2 seeking to quash the proceedings in C.C.No.2952 of 2022 pending trial on the file of IX Metropolitan Magistrate, Saidapet, Chennai.

2. When the matter came up for hearing on 07.03.2024, this Court directed the petitioner (A2) and A1 to file individual affidavits and tender unconditional apology for their behaviour. The matter was thereafter listed for hearing on 21.03.2024. On that day, individual affidavits were filed by petitioner (A2) and A1 and considering the same, the following order was passed:

"Pursuant to the earlier order passed by this Court on 07.03.2024, individual affidavits have been filed by A1 and A2. They were present in Court at the time of hearing. They have tendered unconditional apology for the behaviour exhibited by them. A copy of the affidavit was also handed over to the learned Government Advocate.

2. Post this case under the caption for "recording compromise" on 27.03.2024 at 2.15 p.m."

3. It will also be relevant to extract the relevant portions from the

affidavits filed by petitioner (A2) and A1:

Affidavit of petitioner (A2):

"6. I submit that I have filed a quash petition in CrI.O.P.No.5474 of 2024 challenging the charge sheet in C.C.No.2952 of 2022 and when the matter was taken up this Hon'ble Court has directed me to file an unconditional apology



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along with the A1. First of all I make my sincere apology for the mistake, act, offence, harm and disrespect caused towards the de-facto complainant and other Police officials, who were on duty on 09.07.2022. I further apologize for my behaviour and for my rude tone & act, I swear that I had realized my mistake and I will not commit any such mistake in future. I submit that due to the graciousness of this Hon'ble Court, considering my future, age and Gender directed me to file an affidavit. I submit that I am bound to submit my sincere apology by way of an affidavit and I pray this Honble Court to quash the charge sheet against me. I once again make my sincere and heartfelt respect to the temple of justice. I am deposing the apology voluntarily without being influenced by coercion or inducement.

7. I submit that the unconditional apology offered by me may be accepted considering my future and relieve me from this case."

Affidavit of A1:

"6. I submit that the Petitioner/A2 has filed a quash petition in CrI.O.P.No.5474 of 2024 challenging the charge sheet in C.C.No.2952 of 2022 and when the matter was taken up this Hon'ble Court has directed the petitioner in CrI.O.P.No.5474 of 2024 to file an unconditional apology along with me since I was arrayed as A1. First of all I make my sincere apology for the mistake, act, offence, harm and disrespect caused towards the de-facto complainant and other Police officials, who were on duty on 09.07.2022. I further apologize for my behaviour and for my rude tone & act, I swear that I had realized my mistake and I will not commit any such mistake in future. I submit that due to the graciousness of this Hon'ble Court, considering my future and age directed me to file an affidavit. I submit that I am bound to submit my sincere apology by way of an affidavit and I pray this Honble Court to quash the charge sheet against me and the petitioner. I once again make my sincere and heartfelt respect to the temple of justice. I am deposing the apology voluntarily without being influenced by coercion or inducement.

7. I submit that the unconditional apology offered by me may be accepted considering my future and relieve me from this case."



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4. This Court did not want to pass orders without hearing the concerned police officer, who was subjected to harassment in this case. Hence, this Court requested the police officer to be present during the next date of hearing. Accordingly, the matter was listed for hearing today.

5. When the matter was taken up for hearing today, Mr.D.John Arul Thilagar, Special Sub-Inspector of Police, J4 Kotturpuram Police Station [94441 24638] was present. He stated that he will accept the unconditional apology tendered by the petitioner (A2) and A1 and he leaves it to this Court to pass further orders. This Court also made the petitioner (A2) and A1 to individually tender apology to the police officer, who was present before this Court and they have also complied with the same.

6. Taking into consideration the above developments, no useful purpose will be served in keeping the proceedings pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraht)** and after



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exercising due caution as advised by the Hon'ble Supreme Court in *The State of Madhya Pradesh v. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ CrI 10*, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.2952 of 2022 pending trial on the file of IX Metropolitan Magistrate, Saidapet, Chennai.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2952 of 2022 pending trial on the file of IX Metropolitan Magistrate, Saidapet, Chennai, is quashed. The petitioner (A2) and A1 each of them shall pay a sum of Rs.5,000/- (Rupees Five Thousand) as costs, to the credit of the *President, Tamil Nadu Advocate's Clerk's Association, High Court Buildings, Madras, A/c No.484026006 IFSC Code:IDIB000M157*, within a period of two (2) weeks from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected miscellaneous petitions are closed.

N.ANAND VENKATESH, J.

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Post this case under the caption 'for reporting compliance' on
12.04.2024.

28.03.2024

Speaking Order/Non-speaking Order
Index :Yes/No
Neutral citation: Yes/No
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To

1.The IX Metropolitan Magistrate,
Saidapet, Chennai.

2.The Sub-Inspector of Police,
J-4 Kotturpuram Police Station,
Chennai - 600 085.
Crime No.246 of 2022

3.The Public Prosecutor,
High Court, Madras.

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