



Crl.OP.No.13726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**CRL.OP.No.13726 of 2024
and
CMP.Nos.8356 & 8357 of 2024**

Dr.T.V.Swaminathan

... Petitioner

Vs.

1.State Rep by
The Inspector of Police
G-3, Kilpauk Police Station,
Chennai

2. Interim Administrator
Pachaiyappa's Trust
No.113, Harington Road,
Chennai 600 030

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in CC.No.1232 of 2020 on the file of II Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.N.Elayaraja

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

ORDER

Against the management of the college, which is run by a Trust,
the teaching staff and non-teaching staff have gathered and protested



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voluntarily and prevented other staffs from attending duty. This has led to registration of a complaint in Cr.No.124 of 2019 for offences under Sections 143, 147, 448, 341, 342 r/w. 149 of IPC. After completion of investigation, final report been filed against 39 persons. This petition is filed to quash the case on the ground that the some of the accused persons approached this court with similar prayer and this court has allowed that quash petition after getting affidavit of apology.

2. The learned counsel appearing for the petitioner would submit that the petitioner is also ready to give apology letter and by taking it on file, the case may be quashed.

3. A former Judge of this High Court who was appointed as an Administrator of the college due to rampant mismanagement of the College when attempted to streamline the administration, been protested by the staff in the college. That has led to police complaint by the former Judge and the same been taken for investigation and a final report filed.

4. The campus violence by the teaching staff themselves is a very serious matter which cannot be condoned by just receiving an apology



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letter. However, unfortunately, on letter by few accused persons, this court has entertained the quash petition. The reasons stated to quash is as below:-

“7. That apart, it is seen that the petitioners are either professors or staff members of Pachaiyappa's College. All of them have today filed Affidavits expressing their sincere apology for the occurrence said to have taken place on 11.04.2019 and further undertaking that they would not indulge in any activity prejudicial to the smooth functioning of the Pachaiyappa's College Trust Office in future. Since the petitioners have expressed regret for their action and filed Affidavits and also for the reasons stated above, this Court is of the view that the impugned final report is liable to be quashed to secure the ends of justice. However, it is made clear that the petitioners shall not be subjected to any action, departmental or otherwise for filing such Affidavit before this Court.”

5. When the specific overtact attracting prosecution for criminal offence been made out by the prosecution, if at all the petitioner wants to plead guilty, it should be done in the manner known to law under Section



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482 of Cr.P.C., An affidavit of apology cannot be entertained to quash the prosecution launched for offence of this kind. Criminal Procedure Code provides for bargain, or plead guilty or compound. Bye-passing the procedures and quashing criminal prosecution, by obtaining apology letter for an act of violence inside the college campus by the teaching staff is not in the interest of justice. Hence, quash petition is dismissed.

6. The petitioner is at liberty to approach the trial court and seek remedy either by resorting to plead bargain or compounding.

7. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

13.06.2024

Index : Yes/No
Speaking/Non speaking Order
Neutral Citation: Yes/No
gv



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To

- 1.T The Inspector of Police
G-3, Kilpauk Police Station,
Chennai
2. Interim Administrator
Pachaiyappa's Trust
No.113, Harington Road,
Chennai 600 030
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Gv

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