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Crl.O.P.No.22758 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.22758 of 2022

and

Crl.M.P.No.14588 of 2022

- 1.Vijay Anandan
- 2.Devarajan
- 3.A.Peter
- 4.Kuppusamy
- 5.S.Ravindran
- 6.R.Dayalan
- 7.R.Baskaran
- 8.Sundarraaj
- 9.K.Nagajothi
- 10.G.Gopi
- 11.Jayashree
- 12.Isbellarani
- 13.Sathyakala

... Petitioners

Versus

- 1.State by,
Assistant Commissioner of Police,
Vepery Range, Vepery,
Chennai.

- 2.Ajeet Saxena

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the

Criminal Procedure Code, praying to call for the records and to quash the



Crl.O.P.No.22758 of 2022

proceedings in C.C.No.8573 of 2017 on the file of the No.II Metropolitan

Magistrate, Egmore, Chennai.

For Petitioners : Mr.A.Nagarajan
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
For R2 : Mr.K.Sampath Kumar

ORDER

This petition has been filed to quash the proceedings in in C.C.No.8573 of 2017 on the file of the No.II Metropolitan Magistrate, Egmore, Chennai, in which cognizance was taken for the offences under Sections 147, 341, 294(b), 342, 448, 351, 451, 506(ii) of IPC r/w 149 IPC in CC.No.8573 of 2017.

2. The case of the prosecution is that the while the defacto complainant was working as a Divisional Traffic Manager in Southern Railway, having office at MMC Building, 4th Floor, Chennai on 20.04.2007 between 12.30 hrs to 14.00 hrs around 100 to 150 from SRMU Union people trespassed into his chamber without his permission and abused him in filthy language by saying “Hindi Dog” thereby the defacto complainant lodged a complaint. Thereafter, FIR was closed in the National Mega Lok Adalat on 12.04.2014, but subsequently a direction was given by this Court to re-investigate and



Crl.O.P.No.22758 of 2022

accordingly a final report was filed, so the case was re-registered in crime No.776 of 2017, against the petitioners for the same offence. After completion of the investigation, a final report was filed against all these petitioners in C.C.No.8573 of 2017 pending on the file of the No.II Metropolitan Magistrate, Egmore, Chennai.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were no way connected with the alleged offence made by the prosecution. He further submitted that there is no basis for the allegations against the petitioners and majority of the accused have retired from the services and the alleged occurrence is of the year 2007, more than 15 years had been expired. During the said period the Railway department would have taken departmental action as against the petitioners. He further submitted that the facts alleged in the complaint clearly constitutes the dispute of Union and Department and does not warrant any criminal proceedings to the alleged fact against the petitioners. Hence, he prays to quash the proceedings against them.

4. The learned Government Advocate (Crl.Side) submitted that the defacto complainant was a Divisional Traffic Manager in Southern Railway,



Crl.O.P.No.22758 of 2022

on 20.04.2007 between 12.30 hrs to 14.00 hrs around 100 to 150 from SRMU

Union people trespassed into his chamber without his permission and abused him filthy language. Based on the complaint lodged by the defacto complainant, FIR has been lodged in Crime No.776 of 2017 and the case has been taken in C.C.No.8573 of 2017 on the file of the No.II Metropolitan Magistrate, Egmore, Chennai, for the offence under Sections 147, 341, 294(b), 342, 448, 351, 451, 506(ii) of IPC r/w 149 IPC.

5. The learned counsel for the 2nd respondent submitted that while he was doing his work in his chamber, the petitioners along with 100 persons entered into his chamber without his permission and threatened him and also abused him using filthy language and till now they are giving him life threat, therefore he raised a strong objection to quash the proceedings against the petitioners.

6. Considering the above facts and circumstances and on a perusal of the records, it shows that when the defacto complainant was in his office, the petitioners along with more than 100 persons entered into the chamber of the defacto complainant and threatened him and abused him using filthy language. It seems that the defacto complainant can only identify the name of



Crl.O.P.No.22758 of 2022

their office bearers, but with regard to the other persons the prosecution did not state as to how they have arrived at the name of those persons participated in the alleged occurrence. The alleged two eye-witnesses relied on by the prosecution were also the persons who were working under the defacto complainant. To be specific, there is no independent eye-witness on the side of the prosecution. In order to harass these petitioners, the present complaint was lodged. From the record, it is seen that the petitioners were suffering for the alleged occurrence since 2017 and some of the petitioners have also retired but due to the pendency of the above criminal case, they are not able to get their retirement benefits. There is also no material evidence to show that the petitioners threatened the defacto complainant using filthy language. After completion of the investigation, the final report has been filed. However, it is an admitted fact that a case in counter against the defacto complainant was filed in Crime No.374 of 2007 and taken cognizance in C.C.No.714 of 2017. Further more, as rightly pointed out by the learned counsel for the petitioners that the case pending against the petitioners was quashed against these petitioners. This Court admits that as a counter blast, the present case has been foisted against the petitioners, but coming to the fact that there is no prima facie material available to implead these petitioners to show that they have involved in the alleged occurrence nor any material



Crl.O.P.No.22758 of 2022

evidence to show that they abused him with filthy language. Therefore the

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T.V.THAMILSELVI, J.

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entire proceedings pending in C.C.No.8573 of 2017 on the file of the No.II Metropolitan Magistrate, Egmore, Chennai is ordered to be quashed. However petitioners also directed not to cause any interference to R2 who also got retired now.

7. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous petition is closed.

12.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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Crl.O.P.No.22758 of 2022
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Crl.O.P.No.22758 of 2022

Crl.M.P.No.14588 of 2022