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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.21528 of 2023

K.Balaji

...Petitioner/Accused 8

.Vs.

1.The State rep.by
The Inspector of Police
T-5, Thiruverkadu Police Station
Chennai 600 077.

.. 1st Respondent/Complainant

2.R.Sanjai Kannan

..2nd Respondent/De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the charge sheet in PRC No.20/2023, dated 6.6.2023 pending before the Judicial Magisterial No.II, Poonamalee, Thiruvallur District.

For Petitioner : Mr.M.Jayaveerapandian

For respondent : Mr.A.Damodaran
Additional Government Pleader
for R1

ORDER

This petition has been filed seeking to quash the proceedings in PRC No.20/2023, pending on the file of Judicial Magisterial No.II, Poonamalee, Thiruvallur District.



2. When the matter was taken up for hearing today, it was brought to the notice of this Court that the case has already been committed to the file of the Special Court/Assistant Sessions Judge, Poonamallee and it has been taken on file in SC.No.292 of 2023.

3. The case of the prosecution is that the de facto complainant is said to be a person who was supplying R.O. water in the area. On 2.8.2022, the de facto complainant was intercepted by the accused persons and A1 attempted to attack him with a knife. According to the 2nd respondent, the other accused persons also had knife in their hands and they threatened the de facto complainant to part with money. Accordingly, a sum of Rs.500/- was taken away from the de facto complainant. Based on this complaint, an FIR came to be registered in Crime No.443 of 2022. On completion of investigation, a final report was filed before the Court below and the same has been taken on file in PRC No.20 of 2023. Subsequently, the case has been committed to the file of Sub Court/Assistant Sessions Judge, Poonamallee and it was taken on file in SC.No.292 of 2023.

4. It is seen from materials placed before this Court that the petitioner was a college student and on completion of his education, he was working as a data entry operator. From the entire reading of the materials placed before this Court, it is seen that not even a scrap of material is available against the petitioner. The investigation officer has not even taken effort of identifying the accused person in this case. When the matter came up for hearing on 26.9.2023, this Court also



of the petitioner and it was informed that there are no bad antecedents for the petitioner.

5. In the considered view of this Court, the petitioner has been roped in as an accused for a serious offence. If the petitioner is made to undergo the trial even without any materials against him, it will tantamount to abuse of process of law which requires the interference of this Court. The continuation of the criminal proceedings against the petitioner will completely destroy the future of the petitioner, who is hardly aged about 22 years. Hence, this Court is inclined to interfere with the proceedings insofar as the petitioner is concerned.

6. In the light of the above discussion, the proceedings in SC.No.292 of 2023, on the file of Sub Court/Assistant Sessions Judge, Poonamallee, is hereby quashed insofar as the petitioner is concerned and accordingly this criminal original petition is allowed. It is made clear that the Court below will proceed further with the case as against the other accused persons and complete the case as expeditiously as possible.

12.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
kp

N.ANAND VENKATESH.J.,



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To

1. The Inspector of Police
T-5, Thiruverkadu Police Station
Chennai 600 077.
2. Judicial Magisterial No.II
Poonamalee, Thiruvallur District.
3. Special Court/Assistant Sessions Judge
Poonamallee.
4. The Public Prosecutor,
High Court of Madras,
Madras.

CRL.O.P No.21528 of 2023

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