



Crl.O.P.No.5761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5761 of 2025
and Crl.M.P.Nos.3730 and 3731 of 2025

Athaullah

... Petitioner

Vs

1. The State Rep By,
The Inspector of Police,
J-1, Saidapet Police Station,
Saidapet, Chennai.

2. Saravanan

3. Muhamed Kuresi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of Cr.P.C, to call for the records and quash the CC No.976 of 2023 on the file of Learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.N.A.Nassir Hussain

For R1 : M/s J.R.Archana

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceeding in CC No.976 of 2023 on the file of IX Metropolitan Magistrate, Saidapet, Chennai.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials available on record.

3. The case of the prosecution is that on 19.09.2018, when the second respondent was waiting for his brother near Jeenis Road, Saidapet, as his two wheeler broke down, a group of 5 unidentified persons attacked the second respondent and damaged his two wheeler. When the second respondent tried to call his brother, one of them had snatched his mobile phone. Hence, the complaint.

4. On receipt of the complaint, the first respondent had registered FIR in Crime No.884 of 2018 for the offence punishable under Section 379 of IPC.

5. The learned counsel for the petitioner would submit that due to wordy quarrel between the accused and the second respondent, they snatched his mobile phone and immediately handed over to the second respondent. Even then, the first respondent has registered the FIR for the offences punishable under Section 379 of IPC.



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6. Now, the first respondent had completed the investigation and also filed a final report and the same has been taken cognizance in CC.No.976 of 2023 and it is pending for trial on the file of the IX Metropolitan Magistrate, Saidapet.

7. A perusal of the statement recorded under Section 161 Cr.P.C also revealed that there was a wordy quarrel between the accused and the second respondent. When the second respondent attempted to make a call to his brother, the accused snatched the mobile phone and thereafter, returned it to him.

8. Therefore, no offence is made out under Section 379 of IPC. Further, the entire allegations are trivial in nature and the entire proceedings cannot be sustained and is liable to be quashed. Accordingly, the proceeding in in CC No.976 of 2023 on the file of IX Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed.



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9. In the result, this Criminal Original Petition stands allowed.

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Consequently, connected Miscellaneous Petitions are closed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The IX Metropolitan Magistrate, Saidapet,
Chennai.
2. The Inspector of Police,
J-1, Saidapet Police Station,
Saidapet, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

mn

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