



Crl.O.P.Nos.20045 & 20090 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

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

Crl.O.P.No. 20045 & 20090 of 2023

and

Crl.M.P.Nos.13952, 13953, 13639 & 13640 of 2023

Crl.O.P.No.20045 of 2023

Ramasubramaniam

..... Petitioner

Vs

1.The State represented by
The Inspector of Police,
Railway Police, Mambalam,
Chennai.

2. S.Gopalan

..... Respondents

Crl.O.P.No.20090 of 2023

Dr.Sumathi

..... Petitioner

Vs

1.The Inspector of Police,
GRP Chennai, Mambalam Police,
Chennai.

2. S.Gopalan

..... Respondents



Crl.O.P.Nos.20045 & 20090 of 2023

PRAYER in Crl.O.P.No.20045 of 2023: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 21.03.2023 made in Crl.M.P.No.783 of 2023 in C.C.No.2635 of 2019 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai by allowing this Criminal Original Petition.

PRAYER in Crl.O.P.No.20090 of 2023: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to charge sheet in C.C.No.2635 of 2019 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai, quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.K.M.Subramaniam

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.K.Perumal

ORDER

Crl.O.P.No.20045 of 2023 has been filed as against the order dated 21.03.2023 passed in Crl.M.P.No.783 of 2023 in C.C.No.2635 of 2019 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai, thereby taken cognizance as against the petitioner, arrayed as the second accused in C.C.No.2635 of 2019 on the application filed by the second respondent.



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2. Crl.O.P.No.20090 of 2023 has been filed to quash the

entire proceedings in C.C.No.2635 of 2019 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai.

3. Both the petitioners are arrayed as A1 and A2. The case of the prosecution is that on 24.02.2017 at about 3.55 p.m., while the second respondent was discharging his duties as Ticket Examiner at Guindy Railway Station, along with one Muruganantham, he was checking tickets. During the course of inspection, the first accused i.e., sister of the second accused, who got down from the first class compartment and produced the first class season ticket along with an Adhaar card. However, the second respondent demanded the original Adhaar card, to which the first accused had replied that it was at her house. Further, she stated that she is a Doctor at Stanley Medical College. Despite this, the second respondent did not accept the same and insisted that in the absence of the original Adhaar card, a fine would be imposed. At that point, it is alleged that the second accused intervened and prevented the second respondent from discharging his official duties.



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4. On the said allegation, the second respondent lodged a complaint before the first respondent and the same has been registered in Crime No.20 of 2017 for the offences punishable under Section 341, 2964(b) and 354 of IPC. After completion of the investigation, the first respondent filed a final report and the same has been taken cognizance in C.C.No.2651 of 2019 before the IX Metropolitan Magistrate, Saidapet, Chennai. Subsequently, it is alleged that the first accused called her brother viz., the second accused, who is an advocate, for assistance.

5. While being so, the second respondent had forcibly took the first accused to the ticket checking room by pushing on her shoulder coerced to sit and misbehaved her. Therefore, the second accused lodged a complaint in Crime No.20 of 2017 and the same has been taken cognizance for the offence under Sections 341, 294(b) and 354 of IPC on the file of the first respondent. After completion of the investigation, the first respondent filed final report and the same has been taken cognizance in C.C.No.2651 of 2019 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai and it is pending for trial.



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6. Subsequently, the second respondent filed a petition

under Section 190(1)(b) r/w Section 2 (wa) of Cr.P.C in CMP No.783 of 2023 seeking to take cognizance as against the second accused. It was alleged that when the first accused was directed to pay fine, she informed her brother, viz., the second accused, through her mobile phone. Immediately, the second accused rushed to the railway station and instigated other passengers, attempted to assault the second respondent and retrained him from discharging his official duty. It is also alleged that he tore the second respondent's uniform. Though the first accused registered an FIR in Crime No.21 of 2021 as against both the accused, the final report was filed by omitting the second accused and charging only the first accused alone. However, it is contended that no referred charge sheet notice was served on the second respondent with respect to the deletion of the second accused.

7. Considering the facts and circumstances of the case, the Trial Court had taken cognizance as against the second accused and issued summons. Though both the petitioners have raised several grounds to quash the entire proceedings in C.C.No.2635 of 2019 and the order passed in CMP No.783 of 2023, thereby taken cognizance as



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against the second accused, the issue appears to be trivial in nature. It is also relevant to note that the first accused is a practising Doctor employed at Stanley Medical Hospital, Chennai and the second respondent, being a ticket examiner, is also facing trial in C.C.No.2651 of 2019 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai based on the complaint lodged by the second accused for the offences under Sections 341, 294(b) and 354 of IPC.

8. In view of the above and in the interest of justice, this Court is of the considered opinion that continuation of both proceedings would serve no fruitful purpose and hence, both the proceedings are liable to be quashed.

9. Though the second respondent has not filed any petition seeking to quash the proceedings in C.C.No.2651 of 2019, in view of the fact that the proceedings as against A1 and A2 are now being quashed, the Criminal proceedings in C.C.No.2651 of 2019 also cannot be proceeded as against the second respondent. In order to meet the ends of justice and to avoid abuse of the process of law, the said proceedings are liable to be quashed.



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10. In view of the above, the proceedings in C.C.No.2635

of 2019 and 2651 of 2019 on the file of the IV Metropolitan Magistrate,

Saidapet, Chennai, are hereby quashed. Accordingly, both the Criminal

Original Petitions stand allowed. Consequently, connected

miscellaneous petitions are closed.

06.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

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To

1. The IV Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police,
Railway Police, Mambalam,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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