

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.1282 of 2015

Mahiendran

... Petitioner

vs.

1. The State

Rep. By The Sub-Inspector of Police,
Mallasamudiram Police Station,
Mallasamudiram,
Namakkal District.

2. Periyasamy

... Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to quash the C.C.No.309 of 2014 on the file of Judicial Magistrate, Thiruchengodu, Namakkal District.

For Petitioner : Mr.M.Selvam

For R1 : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to quash the C.C.No.309 of 2014 on the file of Judicial Magistrate, Thiruchengodu, Namakkal District.

2.Heard the learned counsel for the petitioner and the Additional Public Prosecutor appearing for the 1st respondent and perused the final report.

3. It is the case of the prosecution that on 20.12.2009, this petitioner along with four other accused had attacked one Manimegalai and caused injuries to her. There are specific overt act allegations against the petitioner, as much as he was having a knife with him and had criminally intimidated the opposite party.

4. On perusal of 161 statement of witnesses, the role of the petitioner is found therein. In view of the materials available against the petitioner, this is not a fit case to quash the proceedings.

5. Learned counsel for the petitioner submits that based on the complaint given by the petitioner herein, a counter case was registered against the opposite party and in that, investigation was closed and therefore, he prays that this quash application be allowed and the present prosecution should be quashed.

6. In the considered opinion of this Court, closure of the alleged counter case cannot be a ground for quashing this prosecution. If the petitioner was aggrieved by the closure of his case, he could have filed a protest application then. Hence, the petition is devoid of merits and the same is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gya/ds

To

1. The Judicial Magistrate,
Thiruchengodu,
Namakkal District.
2. - do - Through The Chief Judicial Magistrate, Namakkal
3. The Sub-Inspector of Police,
Mallasamudiram Police Station,
Mallasamudiram,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

KSJ(CO)
CA(07/05/2015)

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