

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **16.06.2015**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.966 of 2015
and M.P.No.1 of 2015

1.Venkatachalapathy @ Venkatesan

2.Sundarajan

3.Ponnusamy

4.S.Rajamani

5.R.Viswaputhiramani

6.Subbulakshmi

...

Petitioners

$$V_S$$

1.State rep.by

Sub Inspector of Police,

Anti Land Grabbing Cell,

District Crime Branch,

Coimbatore.

2.R.Sathiyamurthy

...

Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.54 of 2014 on the file of the 1st respondent police and quash the same.

For Petitioners :Mr.S.Ramesh

For 6th Petitioner Mr.K.T.S.Sivakumar

For Respondents :Mr.C.Emalias
Additional Public Prosecutor for R1

Mr.A.Suresh Sakthi Murugan for R2

ORDER

This petition has been filed to call for the records in Crime No.54 of 2014 on the file of the 1st respondent police and quash the same.

2.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents and perused the material placed on record.

3.On 24.04.2015, this Court has passed a detailed order on merits holding that the FIR in Crime No.54 of 2014 cannot be quashed. During the course of hearing, this Court noticed that Ms.Subbulakshmi, the 6th petitioner herein, had not even signed in the Vakalat, that was filed before this Court and therefore, this Court issued notice to Mr.S.Ramesh, Advocate and counsel on record for the petitioners in CrIOP.No.966 of 2015 and sought for his explanation.

4.Today, Mr.Ramesh, Advocate, has filed an affidavit, wherein Paras 2 to 4, he has stated as follows:

"2.I state that the 1st petitioner Mr.Venkatachalapathy alias Venkatesan approached me to file the above Criminal Original

Petition on behalf of him and the other petitioners including the 6th petitioner Mrs.Subbulakshmi. He brought 5 persons including a woman and introduced them as the other petitioners. The 1st petitioner identified a lady as the 6th petitioner, namely Subbulakshmi, who signed the Vakalat in my presence and my colleagues.

3.Having no reason to suspect the identity of the petitioner, I file the Criminal OP along with vakalat. On this issue being raised subsequently in Court and after the appearance of the real Ms.Subbulakshmi, I have made several attempts to contact the 1st petitioner telephonically but have received no response till date.

4.The mistake committed by me is not insisting upon identification of the 6th petitioner and relying upon the 1st petitioner's words that the lady he produced and positively identified as Subbulakshmi was indeed the real Ms.Subbulakshmi, the 6th petitioner, I submit that due to pressure of work, I could not verify the identity of the persons who were claimed to be petitioners 2 to 6 by the 1st petitioner. For the said mistake, I tender my unconditional apology before this Hon'ble Court and I will not repeat my negligence in future and perform my duties as an officer of Court at all times."

5.This Court accepts his explanation. He is cautioned to be more circumspect in future. Further, proceedings are dropped. CrIOP.No.966 of 2015 stands dismissed. Consequently, connected Miscellaneous Petition is closed.

16.06.2015

mps

To

1.The Sub Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH,J,
mps

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