



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD)No.20291 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

Rajaguruvan

... Petitioner/
Accused No.1

Vs.

State rep. By
The Inspector of Police
West Police Station,
Virudhunagar

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.113 of 2014 pending on the file of the Judicial Magistrate No.I, Virudhunagar District pending disposal of the Criminal Original Petition.

For Petitioners : Mr.J.Ashok for
M/s.Jeyapaul Associates
For Respondents : Mrs.S.Prabha
Govt. Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed to quash the case in C.C.No.113 of 2014 pending on the file of the Judicial Magistrate No.I, Virudhunagar District.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The petitioner is the owner of the Bar. He has been arrayed as A1. The allegation against the petitioner is that on 26.01.2013, two bottles of liquor were sold by A2 to A4 instead of the prohibition at the instance of the petitioner herein.

4. The learned counsel submitted that except by the statement made by the co-accused in the investigation, there is no incriminating materials to implicate the petitioner. He has also relied on a decision of this Court in Crl.O.P.(MD) No.23069 of 2014, dated 08.01.2015, wherein, the following order was passed:

"3. The prosecution case as regards this petitioner rests on nothing more than the statement allegedly made by the first accused in the case upon his arrest and cannot be allowed to stand. Any confession statement of the co-accused to the police would not be admissible in evidence even against him much less against the petitioner.



4. In the result, the criminal original petition shall stand allowed and the proceedings in S.T.C.No.1528 of 2014 on the file of the Judicial Magistrate Court No.2, Kovilpatti, Tuticorin District as regards the petitioner/Accused No.2, shall stand quashed. Connected Miscellaneous Petitions are closed.

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5. This Court has not found any material other than the statement made by the co-accused before the police. Therefore, in the absence of any such incriminating materials, this Court is inclined to quash the proceedings in C.C.113 of 2014 on the file of the Judicial Magistrate, No.I, Virudhunagar", against the petitioner herein.

6. Accordingly, the criminal original petition is allowed and the case in C.C.No.113 of 2014 has been quashed against the petitioner herein. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Virudhunagar District

2.The Inspector of Police,
West Police Station,
Virudhunagar

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.J.Ashok, Advocate in SR.No 30217

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CrI.O.P. (MD) No.20291 of 2014
and
M.P. (MD) Nos.1 and 2 of 2014

11.06.2015