



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

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Cr1.O.P(MD)No.9918 of 2013
and
M.P.(MD)Nos.1 and 2 of 2013

- 1.THIRU.K .SUBARAM, 853 NI, MADURAI CITY.
- 2.THIRU.MURUGANANDAM, GRADE I PC 1120. MADURAI CITY.
3. THIRU.MUTHUPANDI, GRADE I PC 1153, MADURAI CITY. . . Petitioners

Vs.

THIRU.S.SUGUMARAN REVENUE DIVISIONAL OFFICER,
MADURAI.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to PRC.No.99/2012 on the file of the Judicial Magistrate NO.II, Madurai and quash the same.

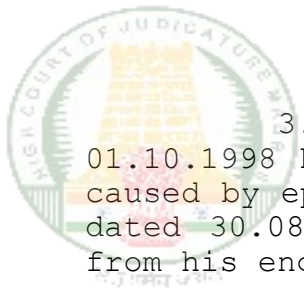
For Petitioner :Mr.R.Venkatesan
For Respondents :Mr.K.Anbarasan Government Advocate

O R D E R

The petition has been filed under Section 482 Cr.P.C, praying to call for the records pertaining to PRC.No.99/2012 on the file of the Judicial Magistrate NO.II Madurai and quash the same.

2. The petitioners are arrayed as accused Nos.1 to 3 before the learned Judicial Magistrate No.II, Madurai in P.R.C.No.99 of 2012 for the alleged offences under Section 304(2) IPC. The allegation against the petitioners is that while working as police officers, they were responsible for the head injury of the deceased, resulting in his death. By the proceedings dated 29.06.2013, the Deputy Inspector General of Police, Crime Branch CID wrote a letter to the Director General of Police stating that the complaint against the petitioners was referred as dropped further action on 13.12.2012, as there was no evidence for the assault. The following is the operative portion of the said communication:-

"Enquiries have clearly revealed that it is evident that the head injury of the deceased Ilamparithi was caused due to the hit of his head, on the hard blunt surface area, due to fall at the central prison in front of the guard-shed at the time of admission and there is no evidence for assault. Hence, the case was referred as 'Further action dropped' on 13.12.2002, as there was no evidence for the assault and no one is liable for any criminal offence and the medical evidence had also corroborated the same."



3.The Revenue Divisional Officer, in and by his letter dated 01.10.1998 has stated that the deceased must have died due to the injury caused by epilepsy, blood pressure and Jaundice. In the subsequent letter dated 30.08.1999 has also informed the District Collector stating that from his enquiry, it is seen that the deceased died of illness.

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4.It appears that in the year 2007, a Government Order was passed to take both departmental as well as criminal action. This was done notwithstanding the report of the CBCID and the Revenue Divisional Officer, which was forwarded by the District Collector. Now, based upon this Government Order, a complaint was given by the Revenue Divisional Officer. Even in the said complaint there is absolutely nothing about the available materials against the petitioners. The only ground stated therein is that the relative of the deceased expressed suspicion over the death.

5.After knowing the said fact, this Court has called for the records. On a perusal of the entire records, there is no material available to implicate the petitioners. The only material is the alleged suspicion from the part of the relative of the deceased.

6.As rightly submitted by the learned counsel for the petitioner that the investigation done by the CBCID did not disclose any offence on the part of the petitioners. The complaint was closed in the year 2002. Merely because the Government has passed the order, the Revenue Divisional Officer ought not to have given the complaint without any basis and hence, making the petitioners to undergo the agony of trial would be a travesty of justice. Therefore, this Court is inclined to quash the proceedings.

7.Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.99/2012 on the file of the Judicial Magistrate NO.II, Madurai is quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar.

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To

1.The Judicial Magistrate No.II, Madurai

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

3. Revenue Divisional Officer, Madurai.

+1CC to M/S.R.Venkatesan Advocate SR.No.38415

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