

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.18483 of 2016
and
Cr1.MP.No.8699 of 2016

V.Pradeep ..Petitioner/Accused

Vs

1. The State Rep.by
The Station House Officer,
Villianur Police Station,
Puducherry.
2. The State Rep. By
The Inspector of Police,
The Railway Protection Force,
Vandarapet, Puducheri. .. Respondents/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.251 of 2012 on the file of the respondent and quash the same.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondents : Mr.P.Thangavel (Pondicherry)
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the records in Crime No.251 of 2012 on the file of the copy respondent and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On a complaint lodged by the Sub-Inspector of Police, the respondent police registered a case in Cr.No.251 of 2012 on 24.08.2012 for offences under Sections 143, 341 r/w 149 IPC against the cadres of VCK parties numbering around 100, challenging which, the petitioner, who is arrayed as (A49), is before this Court.

4. Mr.I.Paul Noble Devakumar, learned counsel for the petitioner submitted that earlier, one Beema Rao (A57) and Rajendira Prasad (A93) had filed Crl.O.P.No.1287 of 2016 before this Court for quashing the FIR and this Court by an order dated 04.04.2016, quashed the FIR in Cr.No.251 of 2012 on the ground of limitation.

5. Mr.P.Thangavel, learned Additional Public Prosecutor (Pondicherry) submitted that initially, the case was under investigation by the Inspector of Police, Villianur Police Station, wherein, the Crime number was given as Cr.No.251 of 2012 and now, the case has been transferred to the file of the Inspector of Railway Police and the same was re-numbered as Cr.No.1383 of 2015.

6. The facts remains that for the incident, which is said to have taken place on 24.08.2012, in which, the petitioner herein had allegedly conducted darna near the railway gate in Arumparthapuram, the aforesaid case has been registered. Since this Court had already gone in to the FIR and quashed the prosecution as against Beema Rao (A57) and Rajendira Prasad (A93) in Crl.O.P.No.1287 of 2016, this Court is of the view that the same would apply to the petitioner also as he stand on the same footing as that of Beema Rao (A57) and Rajendira Prasad (A93).

7. In the result, the entire FIR in Villianur police station in Cr.No.251 of 2012, which was re-registered as Railway Police Cr.No.1383 of 2015, is quashed not only as against the petitioner herein but as against all the other accused, who have not approached this Court also.

In view of the above, this criminal original petition is Allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

kmi/sms

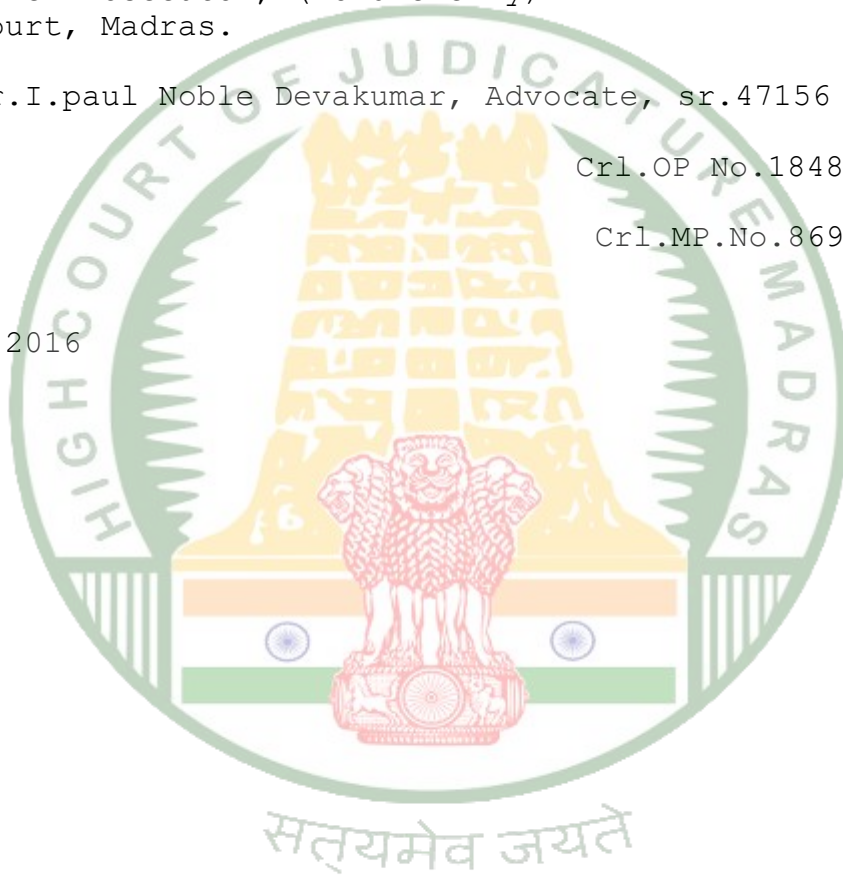
To

1. The Station House Officer,
Villianur Police Station,
Puducherry.
2. The Inspector of Police,
The Railway Protection Force,
Vandarapet,
Puducheri.
3. The Public Prosecutor, (Pondicherry)
High Court, Madras.

1 cc to Mr.I.paul Noble Devakumar, Advocate, sr.47156

CrI.OP.No.18483 of 2016
and
CrI.MP.No.8699 of 2016

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