



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2016
CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

Crl OP(MD) No.12739 of 2016

Nagarathinam .. Petitioner/Accused NO.4
-vs-

1.State rep.by
The Inspector of Police,
Ramanathapuram Bazar Police Station,
Ramanathapuram District,
Crime No.302/1995. .. Respondent/Complainant

2.Gunasekaran .. Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records relating to the proceedings in PRC
No.1/97 on the file of the Judicial Magistrate No.1,
Ramanathapuram and quash the same.

For Petitioner : Mr.R.Venkateswaran
For 1st Respondent : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed seeking to quash the
proceedings in PRC No.1 of 1997, pending on the file of the
Judicial Magistrate No.I, Ramanathapuram.

2.A case has been registered against the petitioner/A4 in
Crime No.302 of 1995 for the alleged offences under Sections 147,
148, 323 and 324 IPC. After investigation, final report/charge
sheet has been filed by the first respondent and that has been
taken on file in P.R.C.No.32 of 1996.

3.The defacto complainant has preferred the complaint as
against ten persons and charge sheet was filed as against six
named accused, including the petitioner herein. As the petitioner
has gone to abroad for his employment, the case as against him has
been split up and taken on file in PRC.No.1 of 1997 and with
regard to the remaining five accused, the case was committed to
the Court of Sessions and taken on file in P.R.C.No.36 of 1996.

4.The case in P.R.C.No.36 of 1996, has been committed to
the Assistant Sessions Court, Ramanathapuram and taken on file in
PRC.No.1 of 1997 and the five accused persons were tried in the
Sessions Case. The case ended in acquittal on account of the fact
that three injured witnesses namely PWs.1 to 3 turned hostile.



5.It is contended by the learned counsel for the petitioner that as the witnesses namely, the main witnesses (PWs.1 to 3) turned hostile, the case has ended in acquittal and the accused persons 1 to 5 were acquitted and therefore, there is no use of conducting any trial/proceeding in PRC No.1 of 1997.

6.The evidence given by PWs.1 to 3 viz., Gunasekaran, Angamuthu and Udayar has been produced before this Court and they have stated in their evidence that they do not know by whom they were beaten. They have also specifically stated that they did not see whether those five accused persons were present in the scene of occurrence or not.

7.From the tenor of evidence given by PWs.1 to 3, it is made clear that the prosecution witnesses did not support the prosecution case and therefore, the case has ended in acquittal. When the witnesses have stated that they do not know as to the persons involved, putting the petitioner/A4 in prison is not going to serve any purpose, excepting the time and energy of the persons involved.

8.Under such circumstances, the proceedings in PRC No.1 of 1997 pending on the file of the Judicial Magistrate, No.I, Ramanathapuram is quashed against the petitioner/A4.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, No.I, Ramanathapuram

2.The Inspector of Police,
Ramanathapuram Bazar Police Station,
Ramanathapuram District,

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

+1cc to M/s.R.Venkateswaran, Advocate SR.No.39570

mj

sm:KP:24.08.2016:2P/5C

Cr1 OP(MD) No.12739 of 2016
26.07.2016