



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.13490 of 2016

M.Moulana

... Petitioner

-vs-

1.The State rep. by
the Inspector of Police
Palayamkottai Police Station
Tirunelveli District
Crime No.911/2009

2.M.Sankar
Sub Inspector of Police (Law & Order)
Palayamkottai Police Station,
Tirunelveli District

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in connection with CC.No.313 of 2011 on the file of the Learned Judicial Magistrate No.I, Tirunelveli and quash the same against the petitioner as devoid of merits.

For Petitioner : M/s.S.Palanivelayutham

For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to quash the case in C.C.No.313/2011 on the file of the learned Judicial Magistrate, No.I, Tirunelveli.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3. It is the case of the prosecution that on the complaint given by the 2nd respondent, the 1st respondent registered a case in Crime No.911 of 2009 against 233 persons under Sections 143, 285, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



4. The learned counsel for the petitioner would submit that the petitioner is arrayed as 16th accused in the case and there is no prima facie case made out in favour of the prosecution case and the matter is pending trial for a period of eight years.

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5. The learned Government Advocate would submit that witnesses 1 to 6 were already examined and witness No.7 is to be examined.

6. Though the petitioner averred in the petition that the case is pending from 2009 onwards without any progress, according to the learned Government Advocate, witnesses 1 to 6 had already been examined and the case is posted for the examination of witness No.7. When the matter is pending trial, which itself has not been disclosed before this Court, it is not fair at this stage to quash the proceedings in C.C.No.313 of 2011 on the file of the learned Judicial Magistrate, No.I, Tirunelveli. Accordingly, this petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writ)

/TRUE COPY/

Sub Assistant Registrar

RR/ar

To:

1. The Judicial Magistrate No.I,
Tirunelveli.

2.The Inspector of Police
Palayamkottai Police Station
Tirunelveli District.

3. The Sub Inspector of Police(Law & Order)
Palayamkottai Police Station,
Tirunelveli.

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

+1cc to MR.S.PALANI VELAYUTHAM,Advocate in SR.No. 41956

JAM/11.08.2016/NGM-MP/ 2P-6C

Cr1.O.P.(MD)No.13490 of 2016
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