

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HON'BLE Mr.JUSTICE C.T. SELVAM

Cr1.O.P.No.6714 of 2012

and

MP No.1 of 2012

P.Balasubramaniam ..Petitioner/Accused No.2
Vs.

1. State rep. by
The Inspector of Police,
All Women Police Station,
Kangayam, Erode District.
(Crime No.16/2008)

2. Subathra
(R2 impleaded as per the order dated 15.06.2012
in MP.No.2/2012). .. Respondents/Complainant

Criminal Original Petition filed under Section 482 of the
Criminal Procedure Code praying to quash the proceedings in
C.C.No.62 of 2010 on the file of the District Munsif-cum-
Judicial Magistrate, Koodumudi.

For Petitioner : Mr.S.Swamidoss Manokaran

For R1 : Mr.M.Mohamed Riyaz,
Govt. Advocate (Cr1.side)

R2 : No Appearance

O R D E R

Petitioner seeks quash of proceedings in C.C.No.62 of
2010 on the file of the District Munsif-cum-Judicial
Magistrate, Koodumudi.

2. Heard learned counsel for petitioner and learned
Government Advocate [Cr1.side] appearing for first respondent.

3. Petitioner's wife is the de facto complainant. A case
in Cr.No.16 of 2008 was registered for offences under Sections

498(A), 506(ii) of IPC and 4 of DP Act. Pursuant to investigation, charge sheet was laid against the petitioner/A1/husband and 3 others, i.e., petitioner's father, mother and brother. Petitioner/A1 moved the present petition and proceedings as against him has been stayed. The trial Court split up the case against other accused. Petitioner's mother/A3 died. The trial Court, under judgment dated 14.06.2010, acquitted the accused/A2 and A4. The finding of acquittal was rendered on consideration of the position that PW-1, de facto complainant did not support the prosecution case and denied the same in toto. Similarly, PW-2 to 10 also turned hostile. The only witness who has spoken in favour of the prosecution case, is the Investigation Officer. The same itself would do the prosecution no good. When such position is considered, no useful purpose would be served in requiring the petitioner to undergo the trial.

4. In the circumstances, this Court is inclined to accept the quash petition. Accordingly, the petition is allowed and the proceedings in C.C.No.62 of 2010 on the file of the District Munsif-cum-Judicial Magistrate, Koodumudi is quashed. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Munsif-cum-Judicial Magistrate,
Koodumudi.

2. The Inspector of Police,
All Women Police Station,
Kangayam, Erode District.

3.The Public Prosecutor,
High Court, Madras.

+1CC TO MR.SWAMIDOSS MANOKARAN, ADVOCATE SR.NO.15543/1

Cr1.O.P.No.6714 of 2012

SDR 24.03.2017