

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.08.2017

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.No.5369 of 2011

and

M.P.Nos.1 & 2 of 2011

1.R.Bernaude Murugappa
2.V.Satchinadanandan
3.M.Subbarayalu
4.A.Ramesh

... Petitioners

Vs .

State Rep. By
Sub-Inspector of Police,
Vigilance & Anti Corruption,
Puducherry.
(Cr.No.3 of 1993)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure to call for the records in C.C.No.123 of 2008 on the file of the Chief Judicial Magistrate, Puducherry and quash the same.

For Petitioners : Mr.R.Karthikeyan

For Respondent : Mr.M.R.Thangavelu,
Additional Public Prosecutor,
Puducherry.

ORDER

Criminal Original Petition is filed to call for the records in C.C.No.123 of 2008 on the file of the Chief Judicial Magistrate, Puducherry and quash the same.

2. After enquiry, the respondent registered a case against these petitioners 1 to 4 who are arrayed as an accused A6, A8, A9 and A10 respectively and 7 others in FIR.No.3 of 2017 dated 16.07.1997 in C.C.No.123 of 2008. After investigation, a charge sheet against all these petitioners and 7 others are filed u/s.420, 409,468,471,477A r/w. 34 IPC. After filing the charge sheet, learned Chief Judicial Magistrate, Puducherry has taken on file in C.C.No.123 of 2008. This Criminal Original Petition has been filed to quash the proceedings against these petitioners on the ground that in the final report, there is no allegations against them.

3. Learned counsel for the petitioners further submit that the period during which the petitioners worked in the said village Seliamedu for a short while but on the other hand, the charge sheet has been filed against all of them during the period which they were not in service.

4. The learned Additional Public Prosecutor (Pondy) for the respondent has fairly conceded the fact that in the present case, the period of offence is said to have taken place from 01.01.1977 to 31.12.1977 and there is no allegation against these petitioners for the relevant period and the materials submitted along with the final report does not disclose any commission of offence against these petitioners.

5. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor (Pondy) for the respondent.

6. On perusal of the final report filed u/s.173 Cr.P.C., and the documents annexed with the final report, this Court finds that Prima facie case has not been made out against these petitioners. As contended by the learned counsel for the petitioners, there is no incriminating materials against these petitioners for the relevant period. Therefore, the case against these petitioners is quashed.

In the result, this Criminal Original Petition is allowed and the case in C.C.No.123 of 2008 against these petitioners is quashed. Consequently, connected miscellaneous petitions are closed. The trial court is directed to proceed the case against the other accused without any influence of the observation made by this court in this order.

01.08.2017

(2/16)

Index : Yes/No
Speaking/Non-speaking Order
gv

P.VELMURUGAN.,J.

To

1.The Inspector of Police,
Vigilance & Anti Corruption,
Puducherry.

2. The Chief Judicial Magistrate,
Chengalpet,

3. The Public Prosecutor,
High Court, Madras.
Chennai.



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(2/16)

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