

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.9816 of 2015 and

M.P.Nos.1 and 2 of 2015

P.Venkatachalam .. Petitioner

Vs

The State represented by
The Deputy Superintendent of Police,
Salem CCIW CID Unit,
Salem District. ... Respondent

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C.No.87 of 2014 on the file of the Judicial Magistrate-II, Mettur and quash the same as illegal in so far as the petitioner / A4 is concerned.

For Petitioner : Mr.M.S.Palaniswamy
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.87 of 2014 on the file of the Judicial Magistrate-II, Mettur, in so far as the petitioner is concerned.

2.The learned counsel for the petitioner submits that in the First Information Report, the petitioner has not been arrayed as accused. It is also stated that no complaint was filed against the petitioner by the Department to which he belongs and that the Department had not considered the petitioner as a delinquent, but the respondent at the stage of charge sheet, for the reasons best known to him, included the petitioner as the fourth accused. Stating so, the learned counsel for the petitioner prayed for quashing the charge sheet in C.C.No.87 of 2014 on the file of the Judicial Magistrate-II, Mettur. He

further submitted that with regard to the same crime number, under the same facts and circumstances of the case, the proceedings against the ninth accused in the case was quashed by this Court, by order dated 09.09.2016 in CrI.O.P.No.9970 of 2014, on the ground that it is an abuse of process of law. A copy of the said order has also been produced before this Court.

3.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondent.

4.Since the proceedings against the ninth accused in the case in C.C.No.87 of 2014 on the file of the Judicial Magistrate-II, Mettur has been quashed by this Court, in CrI.O.P.No.9970 of 2014 on the same set of facts and circumstances placed herein, this Court is inclined to quash the charge sheet issued in C.C.No.87 of 2014 on the file of the Judicial Magistrate-II, Mettur. Accordingly, the Criminal Original Petition is allowed and the proceedings against the petitioner / fourth accused in C.C.No.87 of 2014 on the file of the Judicial Magistrate-II, Mettur is quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Deputy Superintendent of Police,
Salem CCIW CID Unit,
Salem District.

2.The Judicial Magistrate-II, Mettur.

3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1cc to Mr.Palanisamy, Advocate, S.R.No.16943

GMI (CO)
md(04/04/2017)

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