

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.17908 of 2017

V.S.Vivekanandhan

..Petitioner

Vs.

1.State rep. by
Sub-Inspector of Police,
Hasthampatty Police Station,
Salem District.
(Cr. No:376/2006)

2. K.Suresh Kumar

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash all the proceedings in C.C.No.110 of 2009 on the file of the Judicial Magistrate No.3, Salem, Salem District.

For Petitioners : Mr.P.Tamilavel

For Respondent No.1 : Mr.C.Iyyapparaj
Additional Public Prosecutor

सततमेव जयते
ORDER

This Criminal Original Petition is filed to call for the records and quash all the proceedings in C.C.No.110 of 2009 on the file of the Judicial Magistrate No.3, Salem, Salem District.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. On perusal of the final report in C.C.No.110 of 2009, it is seen that there are no specific averments against the petitioners for implicating them under Sections 147, 341, 294(b) IPC. There are totally seven accused, in which, the petitioner has been arrayed as an accused No.1. The accused Nos.6 & 4 had earlier approached this court in CrI.OP.Nos.12368 and 18606 of 2011 respectively and this court, by an order dated 14.12.2015 had quashed the proceedings in C.C.No.110/2009 in so far as the petitioners are concerned on the ground that there were no specific averments as against them.

4. The petitioner herein is an identically placed persons as that of the Accused Nos. 6 & 4 in CrI.OP.Nos.12368 and 18606 of 2011 and therefore, the same yardstick has been applied in the present case also.

In the result, this criminal original petition stands allowed and the proceedings in C.C.No.110/2009 on the file of the Judicial Magistrate No.3, Salem, Salem District in so far as the case relates to the petitioner is quashed.

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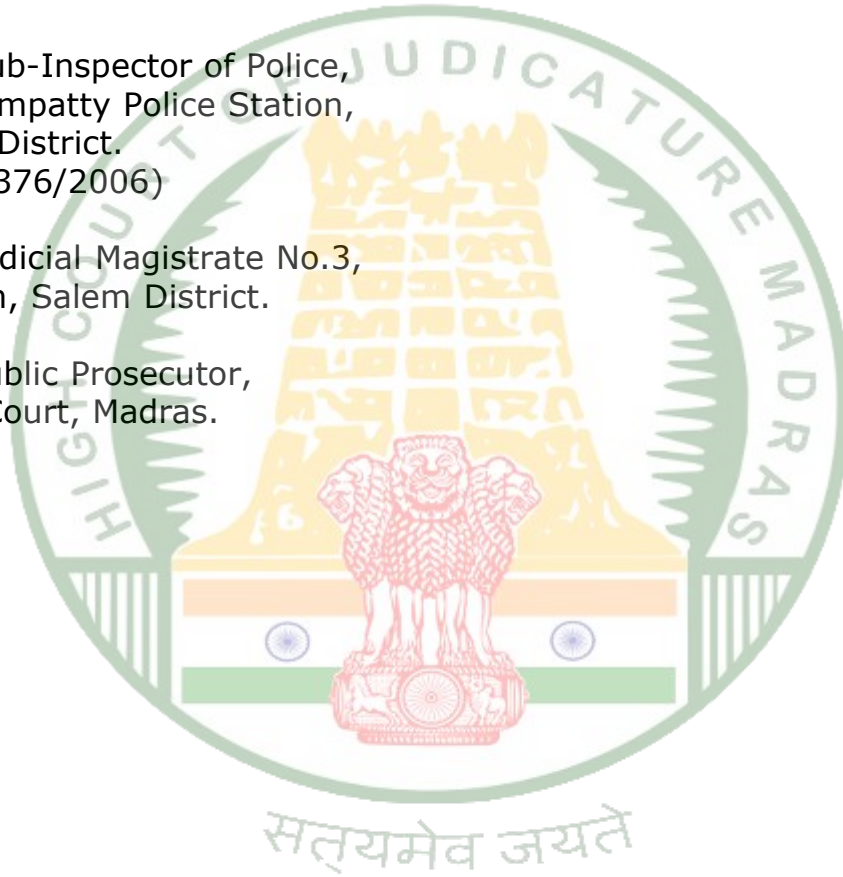
Yes

To

1.The Sub-Inspector of Police,
Hasthampatty Police Station,
Salem District.
(Cr. No:376/2006)

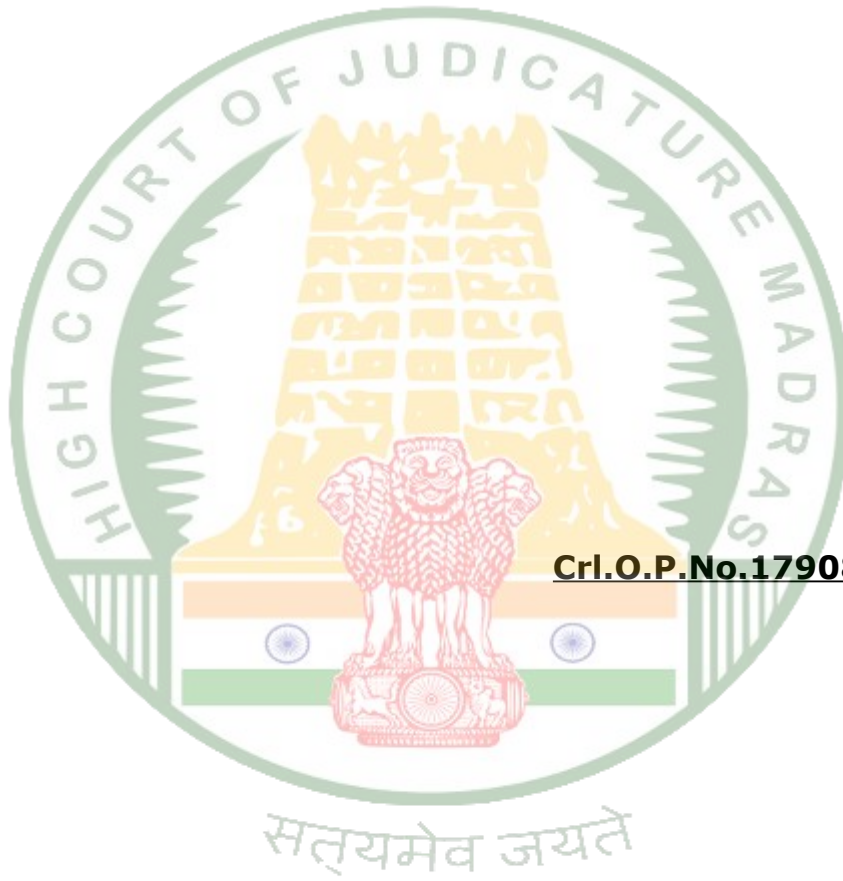
2.The Judicial Magistrate No.3,
Salem, Salem District.

3.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH.J,



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