

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl. OP. No.16507 of 2010

1. Magendran
2. Mageshwari

..Petitioner / Accused A3 & A4

Vs.

The Sub-Inspector of Police,
Thirupalaivanam,
Ponneri Taluk,
Thiruvallur District

.. Respondent /Complainant

Prayer: This petition is filed under Section 482 of Criminal Procedure Code to call for records in CC No.320 of 2008 pending on the file of the Learned Judicial Magistrate - II, Ponneri and quash the charge sheet in so far as the petitioners alone are concerned.

For Petitioner :Mr.K.Mahendran

For Respondent :Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

When the matter is taken up for hearing, the learned counsel appearing for the respondent / defacto complainant had filed an affidavit stating that on the instigation of some of the villagers, he lodged the above complaint in Crime No.45 of 2008 which was registered against the petitioners on the file of Inspector of Police, Thirupalaivanam Police Station, Ponneri for the offence punishable under Section 294 (b), 323, and 506 (ii) IPC. He would further state that he is not aware of the content of the complaint and on the instigation of others only, lodged the complaint. It is also stated that the complainant is not inclined to proceed with the complaint.

2. When an affidavit to that effect has been filed by the defacto complainant himself, there will not be any meaning in allowing the complaint to proceed with before the Trial Court.

Taking note of the affidavit filed by the defacto complainant and the nature of the offence, I am inclined to quash the proceedings in CC No.320 of 2008 pending on the file of Judicial Magistrate II, Ponneri. No costs.

rka

Sd/-
Assistant Registrar (CS-VI)

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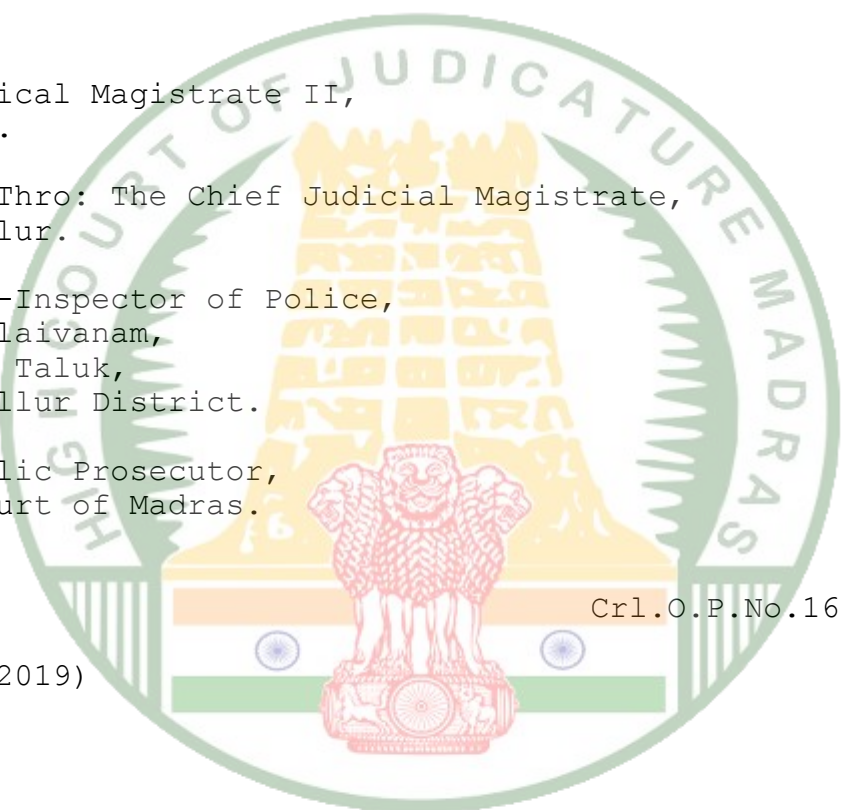
Sub Assistant Registrar

To

1. The Judicial Magistrate II,
Ponneri.
2. - Do - Thro: The Chief Judicial Magistrate,
Tiruvallur.
3. The Sub-Inspector of Police,
Thirupalaivanam,
Ponneri Taluk,
Thiruvallur District.
4. The Public Prosecutor,
High Court of Madras.

RSY (CO)
KAK (04/01/2019)

Cr1.O.P.No.16507 of 2010

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital on a base. The entire emblem is set against a background of a green and white striped border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central emblem. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

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