

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.13369 of 2012
and
M.P.No.1 of 2012

S.Muthamizh Muthalvan

..Petitioner/Accused-1

Vs.

Pavayee

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the same in C.C.No.47/2011 on the file of the Chief Judicial Magistrate, Namakkal.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondent : No appearance

ORDER

The prayer sought for in the present petition is to call for the records and quash the same in C.C.No.47/2011 on the file of the Chief Judicial Magistrate, Namakkal.

2. Heard Mr.R.C.Paul Kanagaraj learned counsel for the Petitioner. Though notice has been served on the respondent herein and her name has been printed in the cause list, none appears for the respondent.

3. The learned counsel for the Petitioner submits that in connection with the illegal business of toddy on 08.03.2011, a raid was conducted on the residence of the respondent on 09.03.2011, whereby three persons were arrested and case under section 4(1)(a) and 4(1)(A) of Tamil Nadu Prohibition Act, was registered against all the persons and the respondent herein has been arrayed as an accused. Pursuant to the raid, the respondent herein had given a complaint stating that the petitioner herein, along with the other police parties had during the course of raid in the premises, taken away a sum of Rs.35,000/- and 5 sovereigns of gold chain and had also damaged her house hold articles. Since the respondent's complaint was enquired and closed, the respondent herein has filed the present private complaint, which is under challenge.

4. On careful consideration of the submissions made by the learned counsel for the petitioner and on a perusal of the closure report made on the complaint given by the respondent herein, it is seen that a detailed enquiry has been conducted by the Deputy Superintendent of Police, Thiruchengodu, Namakkal District and after examination of 10 witnesses, the respondent's complaint came to be closed. The occurrence had taken place on 09.03.2011, during the course of the petitioner's discharge of his official duty.

5. In the result the proceedings in C.C.No.47/2011 on the file of the Chief Judicial Magistrate, Namakkal is quashed, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

nm/vum

To

1.The Chief Judicial Magistrate,
Namakkal

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.13369 of 2012

(Cs-VI)
EU(02/03/2018)

सत्यमेव जयते

WEB COPY