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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.09.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P. [MD].No.1990 of 2014

and

M.P. [MD].No.2 of 2014

Kabeer

:Petitioner/Accused No.3

Vs.

1.State Through

The Sub-Inspector of Police,
Cumbum North Police Station,
Theni District.

:1st Respondent/Complainant

2.Mohammed Sidhiq

:2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Sections 482 of Cr.P.C. to call for the records relating to the charge sheet filed in C.C.No.3 of 2008 on the file of the learned District Munsif cum Judicial Magistrate, Bodinayakkanur and quash the same.

For Petitioner: Mrs.K.Abiya

For R-1 : Mr.V.Neelakandan

Additional Public Prosecutor

For R-2 : No Appearance

ORDER

The Criminal Original Petition has been filed seeking to quash the charge sheet filed in C.C.No.3 of 2008, on the file of the learned District Munsif-cum-Judicial Magistrate, Bodinayakkanur, Theni District having been taken cognizance for the offence under Sections 448, 427, 506(i) and 109 of IPC.

2. The charge as against the accused is that on 02.01.2002 at about 04.00 p.m, when the de-facto complainant was in his workshop namely, National Workshop, due to the instigation of A5 to A8, the other accused persons trespassed into the de-facto complainant's workshop and caused damage to the bike to the tune of Rs.2,000/-. Further, they also intimidated the de-facto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submits that already this Court quashed the charge sheet as against A6 to A8 and A1 and A2 in Crl.O.P. (MD).Nos.4663 of 2008 and 21585 of 2013 by an order dated 11.02.2010 and 12.06.2018 respectively. The accused No.5 reported died, even before filing the charge sheet.



4. The learned Additional Public Prosecutor appearing for the first respondent submitted that there are materials to connect the petitioners to proceed with the trial, therefore, it cannot be quashed at this stage.

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5. It is seen from the records that this Court already quashed the charge sheet in respect of A6 to A8 and A1 and A2 as stated above. Further, this Court had directed A1 and A2 to deposit a sum of Rs.2,000/- into the credit of Crime No.2 of 2009, on the file of the learned District Munsif-cum-Judicial Magistrate, Bodinayakkanur, Theni District. The said amount was also deposited. On such undertaking, this Court already quashed the charge sheet as against A-1 and A-2.

6. In view of the above said reasons, continuous of the trial as against the petitioners/A-3 would not serve any purpose and also it leads to miscarriage of justice. Therefore, the case in C.C.No.3 of 2008, on the file of the learned District Munsif-cum-Judicial Magistrate, Bodinayakkanur, Theni District as against the petitioner/A-3, is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The District Munsif-cum-Judicial Magistrate, Bodinayakkanur.

2.The Sub-Inspector of Police, Cumbum North Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)

+ 1 CC TO MR.K.ABIYA, ADVOCATE IN SR NO.83527

SJI

BU/PM/SAR-III :31.10.2018 : 2P/7C

Cr1.O.P.[MD].No.1990 of 2014
and
M.P.[MD].No.2 of 2014
10.09.2018