



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD).No.15738 of 2018

and

Crl.M.P.(MD).Nos.6985 & 6986 of 2018

Senthil @ Ganasambandam

...Petitioners / Accused No.45

Vs.

1.The State represented by
Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.896 of 2012)

...1st Respondent / Complainant

2.Kandasamy

...2nd Respondent / De-facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in respect of the petitioner of the case in S.C.No.105 of 2017, on the file of the Court of Principal Sessions Judge, Virudhunagar District at Srivilliputhur and to quash the same.

For Petitioner:Mr.M.Jothi Basu

For R1 :Mr.K.Suyambulinga Bharathi
Government Advocate(Crl. side)

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.105 of 2017, pending on the file of the Principal Sessions Court, Srivilliputhur, Virudhunagar District.

2.In this case, a final report was filed as against fifty five accused persons. Accused Nos.38 and 39 died during the proceedings and the case stood abated insofar as those accused persons are concerned. Insofar as Accused No.52 is concerned, this Court quashed the proceedings in Crl.O.P.(MD).No.14496 of 2014 by an order dated 30.01.2017. The petitioner before this Court is Accused No.45. That apart, insofar as Accused No.21 is concerned, the case has been split up and the same is pending in S.C.No.15 of



3.It is seen from the records that after the trial all the other accused persons were acquitted by the Trial Court by judgment dated 19.01.2018. In this case, it is seen that the complainant himself turned hostile and that was the main reason why the Court below proceeded to acquit all the other accused persons by giving the benefit of doubt.

4.The petitioner before this Court who is arrayed as Accused No.45 also stands on the same footing to that of all the other accused persons. Therefore, the order of acquittal passed in favour of the other accused persons will also enure to the benefit of the petitioner herein. No useful purpose will be served keeping the proceedings pending against the petitioner, since the *de-facto* complainant himself had turned hostile.

5.In the facts and circumstances of the case, the proceedings in S.C.NO.105 of 2017, pending on the file of the Principal Sessions Judge, Virudhunagar, is hereby, quashed, insofar as the petitioner is concerned. Even though Accused No.21 has not filed any petition to quash the proceedings pending against him in the split up case in S.C.No.15 of 2017, this Court deems it fit to quash the proceedings insofar as Accused No.21 also, since no purpose will be served by keeping the proceedings pending against him.

6.In the result, the proceedings pending against the petitioner is quashed in S.C.No.105 of 2017, similarly, the proceedings pending against Accused No.21 in S.C.No.15 of 2017 is also quashed.

7.Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.2,
karur,
Karur District.

2.The Sub Inspector of Police,
Asarambudi Police Station,
Karur District.



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

+ 1 CC TO MR.G.M.LAW OFFICE,IN SR NO.88410

TSG

BU/PM/SAR-III:01.11.2018 : 3P/5C

CrI.O.P. (MD) .No.15738 of 2018
03.10.2018