



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.18172 of 2018

and

Crl.M.P (MD) .No.7843 of 2018

and

Crl.M.P. (MD) .Nos.8094 & 8095 of 2018

Tamilarasan

...Petitioner / Accused No.1

Vs

1.The Inspector of Police
Kundrakkudi Police Station
Sivagangai District

...1st Respondent/Complainant

2.Rengasamy

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.254 of 2016 on the file of the Principal District Munsif Cum Judicial Magistrate, Karaikudi and quash the same as arbitrary and illegal.

For Petitioner

:Mr.K.Baalasundharam

For R1

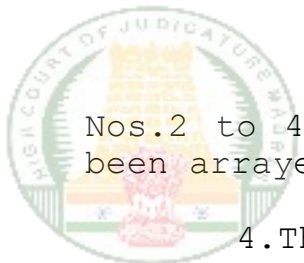
:Mr.M.Chandra Sekaran
Addl.Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the criminal proceedings in C.C.No.254 of 2016 on the file of the Principal District Munsif Cum Judicial Magistrate, Karaikudi.

2.The learned counsel for the petitioner would submit that the case was taken on file in C.C.No.72 of 2009. There are totally four accused in this case. Since this petitioner was absconding, the case was split up and a separate trial was conducted insofar as Accused Nos.2 to 4 are concerned. During the course of trial, the parties have come to a compromise and the learned District Munsif Cum Judicial Magistrate, Karaikudi by Judgment dated 09.02.2017 acquitted all the accused persons on the ground that the parties have compromised and other witnesses have also turned hostile in this case.

3.The learned counsel for the petitioner would submit that the split up case against this petitioner is pending in C.C.No.254 of 2016 before the Court below. The learned Counsel would submit that since the parties have already compromised, the Judgement of the acquittal rendered by the Court below insofar as the Accused



Nos.2 to 4, will enure to the benefit of this petitioner, who has been arrayed as Accused No.1.

4.This Court considered the submission made by the learned counsel appearing on either side. The Judgment passed by the Court below insofar as Accused Nos. 2 to 4 are concerned, clearly shows that the parties have compromised the case even during the pendency of the trial. The complainant himself has gone to the box and had spoken about the same before the Court below. The other witnesses have also turned hostile in this case. Therefore, the Court below was not able to see any ground to convict the accused persons and they are all acquitted by Judgement dated 09.02.2017. The benefit of the Judgment will enure to this petitioner also, since the petitioner is placed on the very same footing and on the very same set of facts. Therefore, no useful purpose will be served by keeping the proceedings in C.C.No.254 of 2016 pending.

5.In the result, the proceedings in C.C.No.254 of 2016 on the file of the District Munsif Cum Judicial Magistrate, Karaikudi is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The District Munsif Cum Judicial Magistrate,
Karaikudi.

2. The Inspector of Police
Kundrakkudi Police Station
Sivagangai District

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

+1cc to Mr.K.Baalasundharam, Advocate, SR.No.90011

Cr1.O.P. (MD) .No.18172 of 2018
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msa

KK/RP/SAR-1/20.11.2018/2P-5C

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