



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.04.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

CrI. OP (MD)No.17048 of 2013
and
MP (MD)No.1 of 2013

1.Rathinavel
2.Murugesan
3.Mariyae
4.Poovayee
5.Arasan
6.Veerappan
7.Manivel
8.Moorthy
9.Rathinam
10.Sivananthan
11.Vellakannu
12.Muniappan
13.Rathinagopal
14.Karuppan

... Petitioners/Accused Nos. 1 to 14
Vs.

M.Chinnan

... Respondent/Complainant

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to the proceedings in C.C.No.233 of 2013 on the file of Judicial Magistrate, Manapparai and quash the same.

For Petitioner : Mr.AN.Ramanathan
For Respondents : No appearance

ORDER

The petitioners have filed this Criminal Original Petition for quashing the proceedings in C.C.No.233 of 2013 on the file of the Judicial Magistrate, Manapparai. The respondent herein had originally lodged information with Vaiyampatti Police Station that led to registration of Crime No.94 of 2010. The police filed final report in the said case. Not satisfied with the same, the respondent sought further investigation. The Deputy Superintendent of Police, Manapparai dropped further proceedings. Aggrieved by the same, the impugned private complaint has been filed. The same has been taken on file in C.C.No.233 of 2013 on the file of the learned Judicial Magistrate, Manapparai and summons have been issued.

2.Heard the learned counsel appearing for the petitioner.
There is no appearance on the side of the respondent.



3.The learned counsel for the petitioners would contend that the respondent in his original complaint made on 01.05.2010 had implicated Murugesan who is figuring at the second petitioner herein. Except the said Murugesan no allegation has been made against others. However, the respondent in his private complaint, implicated the said Murugesan and 13 others also. A reading of the said private complaint would show that the occurrence in question took place on 30.04.2010. The private complaint was filed only on 23.01.2012.

4.The learned counsel for the petitioners would further point out that against the said Murugesan charge sheet has been filed and the case has been taken on file in CC.No.113 of 2010 based on the police report.

5.This Court is of the view that the said Murugesan S/o.Rathinagiri alone deserves to be prosecuted and not others. They have been falsely roped in. Since the said Murugesan, the second petitioner herein is facing criminal prosecution on the same set of facts, he also cannot be saddled with second prosecution simultaneously. Therefore, the impugned prosecution stands quashed.

6.This Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed.

Sd/
Assistant Registrar(w)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Manaparai,
Trichy.

+1cc Mr.AN.Ramanathan,Advocate SR.No.61807

SKM
DS/KKR/SAR 3/18.05.18/2P-3C

Cr1. OP (MD)No.17048 of 2013
and
MP (MD)No.1 of 2013
16.04.2018