

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7518 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in P.R.C.No.78 of 2011, against the petitioners, who are A1 to A5, on the file of the Judicial Magistrate of First Class, Adoni. The offences alleged are under Sections 307, 326 read with Section 34 of the Indian Penal Code.

2. Heard the counsel for the petitioner, the learned Public Prosecutor, appearing for the first respondent and the counsel for the second respondent.

3. The counsel for the petitioner submits that earlier a complaint was filed based on the same cause of action and same set of facts and the same was registered as Cr.No.81 of 2009. The petitioners also filed a complaint, which was registered as Cr.No.82 of 2009. While the petitioners were acquitted in the case, which was registered on the complaint filed by the complainant, the complainant was convicted in Cr.No.82 of 2009 against which an appeal was preferred by the complainant.

4. The counsel for the respondent does not dispute the above stated facts, but he submits that as charge sheet was laid deleting the names of the petitioners in the earlier crime, a fresh complaint was filed.

5. But in the considered opinion of this Court, the said procedure is not an accepted procedure of law. The complainant ought to have

taken steps with regard to the deletion of names of the petitioner in the earlier crime in accordance with law. Hence, this Court is of the opinion that further proceedings cannot be permitted to be continued against the petitioners.

In the light of the above, the criminal petition is allowed and the proceedings in P.R.C.No.78 of 2011, against the petitioners, who are A1 to A5, on the file of the Judicial Magistrate of First Class, Adoni, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 3, 2018  
DSK

T. RAJANI, J

