IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2019

Coram
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4726 of 2018
and
Crl.M.P.No.2318 of 2018

1. Udayakumar

2. Velankanni ... Petitioners / Accused Rank 42 & 50

Vs.

1. State Rep. by
The Inspector of Police,
S-6 Shankar Nagar Police Station,
Chennai - 600 075.
(Crime No.481/2008) ... Respondent / Complainant

2. S.Ganasekaran ... Respondent / Defacto Complainant

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.100 of 2015 on the file of the Principal District and Sessions Court, Chengalpattu, Kanchipuram District and quash the same.

For Petitioners : Mr.S.Vijayakumar

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the S.C.No.100 of 2015 on the file of the Principal District and Sessions Court, Chengalpattu, Kanchipuram District.

2. It is seen that a charge sheet has been filed against the petitioners herein for the offences under Sections 147, 148, 149, 447, 436, 435, 427, 307 of IPC and Section 3 & 4 of TNPPDL Act. There are totally 52 accused, in which, the petitioners are 42 & 50.

3. The case of the prosecution is that the said accused persons caused damage to the properties belonged to the second respondent/defacto complainant.

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4. Though there are no specific overt acts of the petitioners by the witnesses, they categorically stated that if they see the persons who involved in the Crime, they can easily identify them. Also there are totally 52 accused persons and therefore, no need to see specific overt acts as against each and every accused persons.

5. In view of the above, this Court is not inclined to quash the proceedings in S.C.No.100 of 2015 on the file of the Principal District and Sessions Court, Chengalpattu, Kanchipuram District. However, the petitioners are at liberty to raise their points before the Trial Court, whatever the points raised before this Court.

6. Considering the year of the case, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Inspector of Police,
   S-6 Shankar Nagar Police Station,
   Chennai - 600 075.
   (Crime No.481/2008).

2. The Public Prosecutor
   High Court, Madras.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.22942
+1cc to Mr.M.Babu Muthu Meeran, Advocate, S.R.No.23326

Crl.O.P.No.4726 of 2018
and
Crl.M.P.No.2318 of 2018

PPA (CO)

RRS(15/04/2019)

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