

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.17802 of 2014

and

M.P. No. 1 of 2014

1.C.Kumarasamy

2.S.P.Ramasamy

... Petitioners

Vs.

S.R.Eswaran

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the criminal case in PRC No.37 of 2013 pending for committal on the file of the learned Judicial Magistrate, Kangayam, quash the same by allowing this criminal original petition.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.M.Guruprasad

ORDER

This petition has been filed to call for the records relating to the criminal case in PRC No.37 of 2013 pending for committal on the file of the learned Judicial Magistrate, Kangayam, quash the same by allowing this criminal original petition.

2. The learned counsel for the petitioners would submit that the respondent earlier filed a private complaint under Section 200 Cr.P.C. before the learned Judicial Magistrate, Kangayam against the petitioners alleging that on 29.12.2011 at about 11.00 a.m. the petitioners cut and removed a tree from the public place, which was taken cognizance of in C.C.No.249 of 2012 by the learned Judicial Magistrate, Kangayam after conducting enquiry. While being so, the respondent again gave a complaint on 17.12.2013 on the very same occurrence on 17.12.2013, which has also been taken cognizance of by the learned Judicial Magistrate, Kangayam, Tiruppur. The

learned counsel for the petitioners submits that in respect of C.C.No.249 of 2012, the petitioner has already been acquitted on 01.03.2017 as such for the very same allegations the present case in P.R.C.No.37 of 2013 cannot be sustained as such he sought for quashment of proceedings in P.R.C.No.37 of 2013.

3. It is seen that for the very same allegations, the present complaint has been filed against the petitioners which has been taken cognizance of in P.R.C.No.37 of 2013 by the learned Judicial Magistrate, Kangayam, Tiruppur. It is also seen that in respect of the earlier complaint in C.C.No.249 of 2012 on the file of the learned Judicial Magistrate, Kangayam the petitioner has already been acquitted on 01.03.2017 as such no purpose would be served if the trial in the present case continues. Therefore, this Court is inclined to allow the prayer sought for by the petitioners.

4. Accordingly, this Criminal Original Petition is allowed and the proceedings in in PRC No.37 of 2013 pending for committal on the file of the learned Judicial Magistrate, Kangayam is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pds/lok

To

1. The Judicial Magistrate,
Kangayam
2. -Do- Thro' Chief Judicial Magistrate,
Tiruppur

+lcc to Mr.N.Manokaran, Advocate, S.R.No.19180

+lcc to Mr.M.Guruprasad, Advocate, S.R.No.19487

CrI.O.P.No.17802 of 2014

PA(CO)

CS/06/05/2019