

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.19692 of 2019

G.Krishnamurthy

.. Petitioners

/versus/

1.The Deputy Superintendent of Police,
Villupuram Sub Division,
Villupuram.

2.Tmt.Surya

.. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and to quash the charge sheet in S.C.No.6/2017, on the file of the Spl.Court for SC/ST, Villupuram.

For Petitioners :M/s.S.Baskaran

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

O R D E R

This petition has been filed seeking to quash the proceedings in S.C.No.6/2017, on the file of the Spl.Court for SC/ST, Villupuram.

2. This petition was filed mainly on the ground that there is a wrong identity of the accused person and this petitioner is not an accused in this case.

3. The first respondent has filed a counter before this Court. The relevant portion of the counter is extracted hereunder:

"7. It is pertinent to note that the petitioner herein Tr.Krishnamurthy, S/o.Gopal, is also a resident of V.Agaram Village, Villupuram Taluk, on investigation it is revealed that the said Krishnamurthy, S/o.Gopal, is no way connected with regard to the offence made by the accused headed by A1 Raja and other accused. Further, the defacto complainant have also filed an affidavit before the

learned Special Court for SC/ST, Villupuram, in S.C.No.6/2017, stating that "the petitioner herein was not arrayed as an accused in the said case, further he is a friend of her husband and he is known to them very well."

4. Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5. In view of the specific stand taken by the first respondent, the petitioner is no way connected in the present case and he shall not be unnecessarily harassed by the respondent police. The respondent police shall identify the correct accused person and make him face the trial. The petitioner has been unnecessarily put to hardship due to wrong identity.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

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To

1.The Special Judge,
The Spl.Court for SC/ST,
Villupuram.

2.The Deputy Superintendent of Police,
Villupuram Sub Division,
Villupuram.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Baskaran, Advocate SR.No.67962

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GMV (30/08/2019)