



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

Crl.O.P.[MD]No.4890 of 2019

and

Crl.M.P.(MD)Nos.3034 and 3035 of 2019

WEB COPY

Selvaraj

: Petitioner/A3

Vs.

1.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi.
(Cr.No.154 of 2018)

2.Masan

: Respondents/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the complaint in C.C.No. 422 of 2018 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Karaikudi and quash the same as against the petitioner is concerned.

For Petitioner : Mr.J.Anandkumar

For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the complaint in C.C.No.422 of 2018 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Karaikudi, as against the petitioner is concerned.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

3.The learned Counsel for the petitioner submitted that a case under Sections 120B, 294(b), 406, 420 and 506(1) of IPC, was registered against two named accused person, who were arrayed as A1 and A2. The petitioner's name was included only in the final report. He further added that none of the statements of witnesses make a reference to the petitioner attributing any overt act



4.The learned Counsel for the petitioner further added that only on the basis of confession of an accused, the petitioner was roped in by the investigating officer.

5.After carefully going through the statement of the witnesses and the materials accompanying the final report, this Court is satisfied that there is not even a shred of material available against petitioner to connect or implicate him in this case said to have taken place in the FIR. Necessarily, the petition has to be allowed.

6.Accordingly, the criminal original petition is allowed and the case in C.C.No.422 of 2018, pending on the file of the District-cum-Judicial Magistrate, Karaikudi, is quashed insofar as the petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Munsif-cum-Judicial Magistrate,
Karaikudi.

2.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.ANAND KUMAR, Advocate (SR-59331[F] dated
05/04/2019)

cmr

Cr1.O.P.[MD]No.4890 of 2019
03.04.2019

KM/ (02.05.2019) 2P 5C