



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.139 of 2017&

Crl.M.P. (MD)Nos.105 & 106 of 2017

WEB COPY

Sathish Kumar, S/o.Lawrance

...Petitioner/Accused No.1

Versus

1.State Rep. by

The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.91 of 2010)

...1st Respondent/Complainant

2.Sasikumar, S/o.Kumarasamy

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Charge Sheet in C.C.No.10 of 2011 on the file of the Judicial Magistrate Court, Padmanabhapuram and quash the same as illegal against the petitioner.

For Petitioner : Mr.C.Mayilvahana Rajendran
for Mr.P.Banuprasath

For R1 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

For R2 : No Appearance

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.10 of 2011, on the file of the Judicial Magistrate Court, Padmanabhapuram, against the petitioner.

2.The grievance of the petitioner/A1 is that a false complaint has been given against him and one T.J.Subija, who is arrayed as A2 in this case, by the second respondent, alleging that they have committed an offence punishable under the provisions of Immoral Traffic (Prevention) Act, 1956. Subsequently, the second respondent himself appeared before the Judicial Magistrate Court and has given a statement under Section 164 Cr.P.C., wherein he has stated his signature was obtained in a blank paper, based on which, a complaint has been created as if the petitioner has committed the alleged offence. The said fact was also confirmed by the Deputy Superintendent of Police, DCB, Nagercoil, in the enquiry report, dated 29.07.2011.



3.The learned counsel appearing for the petitioner submitted that already A2 in this case, viz., T.J.Subija filed Crl.O.P.(MD) No.2087 of 2011 seeking to quash the above proceedings and this Court, vide order dated 26.06.2015, quashed the criminal proceedings. In support of his contention, the learned counsel for the petitioner has produced a copy of the said order.

4.On perusal of the order, it could be seen that this Court has set aside the entire criminal proceedings against A2. Since the petitioner is also similarly placed, as that of A2 and already the criminal proceedings in respect of A2 were quashed, I am inclined to quash the criminal proceedings pending against the petitioner/A1. Accordingly, the proceedings in C.C.No.10 of 2011, pending on the file of the Judicial Magistrate Court, Padmanabapuram, Kanyakumari District, in respect of the petitioner, is hereby quashed.

5.In the result, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate,
Padmanabhapuram, Kanyakumari District.

2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

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

+1 CC to M/s.P.BANUPRASATH, Advocate SR-68560.

Crl.O.P. (MD) No.139 of 2017
12.06.2019

CS: (27/06/2019) 2P 5C