



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P.(MD) Nos.10595 and 10596 of 2014

Crl.O.P.(MD) No.10595 of 2014

Sakthivel

... Petitioner

Versus

1.State represented by
the Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(Crime No.420 of 2005)

2.Anandan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to S.C.No.122 of 2010 on the file of the learned Additional District and Sessions Judge, Pattukottai and quash the proceedings as against the petitioner.

For Petitioner: Mr.S.Deenadhayalan
For R1 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

Crl.O.P.(MD) No.10596 of 2014

Karikalan

... Petitioner

Versus

1.State represented by
the Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(Crime No.420 of 2005)

2.Anandan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to



S.C.No.301 of 2013 on the file of the learned Additional District and Sessions Judge, Pattukottai and quash the proceedings as against the petitioner.

For Petitioner: Mr.S.Deenadhayalan

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For R1

: Mr.K.K.Ramakrishnan
Additional Public Prosecutor

C O M M O N O R D E R

These criminal original petitions have been filed to quash the criminal proceedings in S.C.Nos.122 of 2010 and 301 of 2013 on the file of the learned Additional District and Sessions Judge, Pattukottai.

2. The petitioners are the accused Nos.2 and 9 and they have been charged with for the offences under Sections 148, 341 and 302 of I.P.C.,

3. The learned counsel appearing for the petitioners would submit that there are totally 11 accused in this case, but the case has been split up and a separate trial has been conducted in respect of the other accused viz., A1, A3, A4, A5, A6, A7, A8, A10 and A11 and all the accused are acquitted. Since the petitioners have also similarly placed accused, the criminal proceedings initiated against the petitioners may be quashed.

4. The learned Additional Public Prosecutor would submit that the other accused faced the trial and even though the trial Court convicted those accused, now, in the appeal in Crl.A.(MD).Nos.395 and 396 of 2010, they were acquitted and on that score, the petitioners cannot seek for acquittal.

5. I have considered the rival submissions and perused the materials available on record.

6. The present quash petitions have been filed to quash the criminal proceedings against the petitioners merely on the ground that the co-accused in this case were acquitted and similar benefit would be extended to the petitioners. The same cannot be countenanced for the reason that though the other accused are faced the trial, the petitioners not appeared before the trial Court and hence, the benefit cannot be extended to them automatically and necessarily they will face the trial.

7. In the above circumstances, merely on the ground that the co-accused were acquitted, the criminal proceedings pending against



the petitioners cannot be quashed. Accordingly, these criminal original petitions are dismissed.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar

To

- 1.The Additional District and Sessions Judge,
Pattukottai.
- 2.The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in

Crl.O.P. (MD) Nos.10595 and 10596 of 2014

Dated: 31.07.2019

akv

MS/24.09.2019/3P.4C