



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.20366 of 2015

WEB COPY

Soorya Prabha

... Petitioner/Petitioner/Complainant

Vs.

1. L.Tharamalingam
2. Jeya
3. Chellathurai
- 4.M.Malaiah Nadar
5. Kumari
6. V.Ponperumal
7. Vijaya
8. P.Perumal
9. Prabhavathy
10. Paulthurai
11. Balakrishnan
12. Rethnavathi
13. Sivaramalingam
14. Perumalpillai

... Respondents/Respondents/Accused

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the order dated 29.06.2015 passed in Crl.M.P.No.2264 of 2015 in C.C.No.87 of 2008 on the file of the Judicial Magistrate No.III, Nagercoil and allow the petition.

For Petitioner

: Mr.T.Selvakumaran

O R D E R

The petitioner is the complainant in C.C.No.87 of 2008 on the file of the Judicial Magistrate No.III, Nagercoil.

2. The petitioner took out an application for splitting the case as regards two of the accused. Taking note of the conduct of the petitioner, the said application was dismissed. Challenging the same, this criminal original petition came to be filed.

3. In this case there are as many as 14 accused. Only two of the accused are not present for trial before the Court below. The other accused have already entered appearance. Thus in this background, the petitioner wants to split the case as far as they are concerned.

4. I am of the view that the said request can very well be accepted. The petitioner's counsel gives a further undertaking

<https://hcservices.judiciary.gov.in/hcservices/>



that after the case is split up as regards accused Nos.10 and 11, the petitioner will formally drop the prosecution as regards the remaining accused. She would also file an application for withdrawing the prosecution against accused Nos.10 and 11 after the case is formally split up. It is made clear that the said withdrawal of the prosecution against accused Nos.10 and 11 by the petitioner herein will not have any bearing on the present prosecution.

5. Permission is granted to the petitioner to withdraw the prosecution against accused Nos.10 and 11. This is only to save the precious time of the Court. The order impugned in this criminal original petition stands set aside. The criminal original petition stands allowed on these terms.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

The Judicial Magistrate No.III,
Nagercoil.

+1 CC to MR.T.SELVAKUMARAN, Advocate (SR-104147[F] dated 10/12/2019)

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