



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.24777 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

1.Rajesh

2.Manoharan

3.Appavu Nadar

4.Sudharsan

5.Nagarajan

... Petitioners/Accused No.1 to 5

Vs

Kannan @ Ramalingam

... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the private complaint filed by the respondent herein and subsequently, taken on file as connection with C.C.No.7 of 2015 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and quash the same.

For Petitioners : Mr.S.Palanivelayutham

For Respondent : No appearance

ORDER

The petitioners are facing trial in C.C.No.7 of 2015 on the file of the Judicial Magistrate No.III, Nagercoil. It is a private complaint. It was instituted by the respondent herein for the offences under Sections 147, 294(b), 341, 323 and 307 of IPC. To quash the same, this criminal original petition has been filed.

2.Though the respondent/complainant has been served and his name is printed in the cause list, he has not chosen to enter appearance in person.

3.The petitioner's counsel states that the father of the first petitioner herein namely Narayanan Nadar was brutally murdered on 10.09.2008 at about 12.00 pm., and the case in Crime No.263 of 2008 was registered on the file of the Anjugrammam Police Station. The respondent herein was shown as A1 in the said case. It is now stated that the case eventually ended in conviction and the respondent as well as the co-accused were sentenced to life



imprisonment.

4.The respondent also gave a counter case and it was registered as Crime No.264 of 2008. The police investigated the same and referred it as a "Mistake of Fact". Thereafter, the present private complaint came to be filed.

5.From the sequence of events set out above, one can clearly notice that the impugned private complaint was given more as a counter blast and wreck vengeance on the petitioners herein. The respondent was a murder case accused and he was eventually convicted also. The murder had taken place on the same day. Therefore, I have no hesitation to hold that the impugned proceedings are clearly an abuse of legal process. It stands quashed. This criminal original petition stands allowed. Consequently, connected miscellaneous petitioners are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate No.III, Nagercoil,
Kanyakumari District.

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

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-104758[F] dated
12/12/2019)

Cr1.O.P(MD)No.24777 of 2015
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AP(03/06/2020) 2P 4C