



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.4471 of 2016

and

Crl.M.P. (MD) .Nos.2219 and 2220 of 2016

WEB COPY

1.Krishnamoorthy

2.Siva @ Palanisamy

3.Paulraj @ Palsamy

4.Mookaiya Udayar

5.Sakthiel

.. Petitioners/Accused No.2 to 6

Vs.

1.State Rep. By,
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.60 of 2000)

.. 1st Respondent /Complainant

2.Annadurai

.. 2nd Respondent / De-facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.1 of 2002 on the file of the Judicial Magistrate No.II, Thanjavur and quash the same.

For Petitioners : Mr.A.Arun Prasad
For 1st Respondent : Mr.S.Chandrasekaran
Additional Public Prosecutor
For 2nd Respondent : No appearance

ORDER

This petition has been filed to quash C.C.No.1 of 2002 pending on the file of the learned Judicial Magistrate No.II, Thanjavur.

2.The learned counsel appearing for the petitioners submitted that on the very same set of facts, already the investigation agency has filed a report in P.R.C.No.2 of 2002 on the file of the Judicial Magistrate No.2, Thanjavur and after committal procedure, the same was transferred to the Principal Assistant Session Judge, Thanjavur in S.C.No.18 of 2003, which ended into conviction by judgment dated 03.09.2007. As against the same, an



appeal was filed in Criminal Appeal No.448 of 2007 and the said appeal was succeeded by judgment dated 03.10.2018. While so, on the very same set of facts, C.C.No.1 of 2002 is wrongly filed and therefore, prays to allow this criminal original petition.

3.The learned Additional public Prosecutor appearing for the respondent police, on instructions, has submitted that after verifying, the respondent police would submit that the facts of the case in C.C.No.1 of 2002 and P.R.C.No.2 of 2002 are one and the same, arising out of the same crime and it is also accepted by the respondent police that mistakenly, final report has been filed in C.C.No.1 of 2002 and they are also taking steps to withdraw the prosecution in C.C.No.1 of 2002.

3.Recording the submission made by the learned Additional Public Prosecutor appearing for the respondent police, this criminal original petition is closed as no further order is required. However, the respondent police is directed to take necessary steps to withdraw the prosecution in C.C.No.1 of 2002 within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected Crl.M.P.(MD).Nos.2219 and 2220 of 2016 are also closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

vsg
To

1.The Judicial Magistrate No.II,
Thanjavur

2.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

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

Crl.O.P.(MD)No.4471 of 2016
and

Crl.M.P.(MD).Nos.2219 and 2220 of 2016
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