

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.33690 of 2019
and Cr1.M.P.Nos. 18581 and 18582 of 2019

V.Sekar

... Petitioner

Vs

1.State Rep by
The Inspector of Police,
All Women Police Station,
Villianur, Puducherry.
(Crime No.12 of 2008)

2.Mahalachumy

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying, to call for records and quash the final report in C.C.No.46 of 2009, on the file of the Chief Judicial Magistrate, Puducherry and all further proceedings pursuant thereto as against the petitioner.

For Petitioner : Mr.T.Rajkumar

For Respondents:Mr.V.Balamurugane
Additional Public Prosecutor for R1
(Pondicherry)
Mr.N.Palaniyappan for R2

ORDER

This Criminal Original Petition has been filed to call for records and quash the final report in C.C.No.46 of 2009, on the file of the Chief Judicial Magistrate, Puducherry and all further proceedings pursuant thereto as against the petitioner.

2. On the complaint lodged by the second respondent, the first respondent has registered a case in Crime No.12 of 2008 and on completion of investigation, the first respondent had filed a final report and the same was taken cognizance in C.C.No.46 of 2009, on the file of the learned Chief Judicial Magistrate, Pondicherry and the same is pending trial.

3. There are totally 4 accused. Pending the trial, accused 1 to 3 compromised the matter with the second respondent namely the defacto complainant and also filed a quash petition in Crl.O.P.No.23720 of 2019 for filing compromise memo and the same has been recorded and the entire proceedings as against A1 to A3 were quashed. Insofar as, the petitioner is concerned, who is the brother in law of the second respondent, he is nothing to do with the crime. Therefore, the pendency of the C.C.No.46 of 2009, against the petitioner did not serve him any purpose, which is clearly an abuse of process of law.

4. In the result, the proceedings in C.C.No.46 of 2009, pending on the file of the learned Chief Judicial Magistrate, Puducherry, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are also closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The Learned Chief Judicial Magistrate, Puducherry

2. The Inspector of Police,
All Women Police Station,
Villianur, Puducherry.

3. The Additional Public Prosecutor,
Pondicherry.

+1 CC to Mr.T.Rajkumar, Advocate sr 20614.

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Crl.O.P.No.33690 of 2019

AD(CO)
SP(13/03/2020)