



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl.O.P.(MD).No.1523 of 2020

and

Crl.M.P.(MD)Nos.705 & 707 of 2020

...Petitioner/Accused No.44

Vs.

Mahesh

1.The State rep. By

The Inspector of Police,

Nesamani Nagar Police Station,

Kanyakumari District.

(Crime No.514/2017)

...1st Respondent/Complainant

2.Sailakshmi

...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in S.T.C.No.57 of 2018 on the file of the learned Judicial Magistrate No.II, Nagercoil in Crime No.514 of 2017 on the file of the first respondent and quash the same in respect of the petitioner.

For Petitioner : Mr.G.Anto Prince

For R1 : Mrs.S.Bharathi

Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in in S.T.C.No.57 of 2018 on the file of the learned Judicial Magistrate No.II, Nagercoil, for the offences under Sections 341, 143 and 188 of IPC.

2.The learned counsel appearing for the petitioner would submit that the facts of the case are exactly similar to the case covered in the decision reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019**

3. The learned Government Advocate (criminal side) appearing for the respondent police would submit that the facts of the case are similar to the facts covered under the Judgment referred above.



4. Heard both sides and perused the materials available on record.

5. The facts of this case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.** Considering the facts and submissions, the proceedings in S.T.C.No.57 of 2018 on the file of the learned Judicial Magistrate No.II, Nagercoil, is hereby quashed insofar as the petitioner is concerned and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

- 1.The Judicial Magistrate No.II,
Nagercoil.
- 2.The Inspector of Police,
Nesamani Nagar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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