



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7385 of 2020

and

Crl.M.P. (MD)Nos.3578 and 3579 of 2020

WEB COPY

1.T.Martin
2.S.Sundar & Joseph Sundar
3.F.Carmal @ Carmalyan Frances

... Petitioners

Vs.

State Rep. by
Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.
(Crime No.275 of 2017)

... Respondent

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the Charge Sheet in S.T.C.No.531 of 2018, on the file of the Judicial Magistrate Court, Eraniel, in Crime No.275 of 2017, on the file of the respondent police and quash the same in respect of the petitioners, as illegal.

For Petitioners : Mr.G.Anto Prince

For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed by the petitioners seeking to quash the proceedings pending against them in S.T.C.No.531 of 2018, on the file of the Judicial Magistrate Court, Eraniel, for the offences under Sections 143, 341 and 188 of I.P.C.

2.The learned counsel appearing for the petitioners 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, decided on 20.09.2018] and in the case of Sri Raja vs. Inspector of Police, Sivakasi Town Police Station, Virudhunagar District and another [Crl.O.P(MD)No.7922 of 2019 etc. batch, decided on 30.08.2019].

3.The learned Additional Public Prosecutor appearing for the respondent would submit that the facts of the case are similar to the facts covered under the Judgment referred above.

4.Hear both sides and perused the materials 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 (Cr1.) 606 [Jeevanandham and others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District, decided on 20.09.2018] and in the case of Sri Raja vs. Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others [Cr1.O.P.(MD)No.7922 of 2019 etc. batch, decided on 30.08.2019]. Considering the facts and submissions, the proceedings in S.T.C.No.531 of 2018, on the file of the Judicial Magistrate Court, Eraniel, is hereby quashed insofar as the petitioners are concerned.

6.Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Eraniel.
- 2.The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP(MD)No.7385 of 2020
30.07.2020

KK(07.08.2020) 2P 4C