



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.4635 of 2016

and

Crl.M.P. (MD)No.2320 of 2016

Subash

... Petitioner/Accused

-vs-

1.State represented by

Sub-Inspector of Police,

Asaripallam Police Station, Nagercoil.

...1st Respondent/Complainant

2.Vinayagam

...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.68 of 2015 on the file of the Judicial Magistrate No.1, Nagercoil.

For Petitioner : Mr.V.Pavel

For R1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

For R2 : No appearance

O R D E R

The petitioner is facing trial in C.C.No.68 of 2015 on the file of the learned Judicial Magistrate No.I, Nagercoil for the offences under Sections 294(b), 324, 506(ii) of IPC. To quash the same ,this Criminal Original Petition has been filed.

2.When the matter was taken up for final disposal, it was submitted by the learned counsel for the petitioner that the defacto complainant / R2 is no more. In a case of this nature, if the aggrieved individual is not available, obviously the case against the accused cannot be established. Therefore, continuation of the criminal prosecution is not going to serve any purpose.

<https://hcservices.ecourts.gov.in/hcservices> Accordingly, the impugned proceedings in C.C.No.68 of



2015 on the file of the learned Judicial Magistrate No.I, Nagercoil, stand quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar (CS)

pnn

To

1.The Judicial Magistrate No.1, Nagercoil.

2.The Sub-Inspector of Police,
Asaripallam Police Station, Nagercoil.

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

Crl.O.P. (MD)No.4635 of 2016

and

Crl.M.P. (MD)No. 2320 of 2016

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KM/ (17.02.2020) 2P 4C