



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2020

CORAM:

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**Crl.O.P.(MD)No.6321 of 2016**

**and**

**Crl.M.P.(MD)No.3149 of 2016**

1.Krishnasamy

2.Kejalakshmi

3.Prabakaran

4.Jeyraman @ Sekkar Jeyaraman

5.Baskar

... Petitioners / Accused 1 to 5

-vs-

Kalaichelvan

... Respondent / Complainant

**PRAYER:** Petition filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.121 of 2015 on the file of the Judicial Magistrate, Thuraiyur and quash the impugned complaint and all further proceedings so far as against the petitioners are concerned.

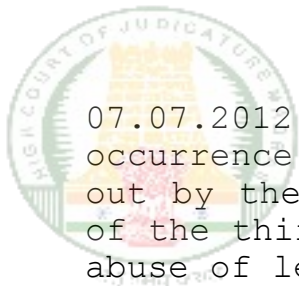
For Petitioners : Mr.D.Shanmugaraja Sethupathi

For Respondent : Mr.C.Jeganathan

**O R D E R**

The learned counsel appearing for the petitioners is not pressing this Criminal Original Petition as regards the petitioners 1,2,4 and 5. He is confining his submissions only as regards the third petitioner Prabakaran.

2.Prabakaran is shown as A3 in C.C.No.121 of 2015 on the file of the Judicial Magistrate, Thuraiyur. It is a private complaint instituted by the respondent herein for the offences under Sections 147, 148, 342 and 506(ii) of IPC. The occurrence in question is said to have taken place on 12.07.2012. But then, the third petitioner herein Prabakaran had left India for UAE on



07.07.2012 itself and came back only on 30.07.2012. Thus, on the occurrence date, the petitioner was abroad. Since these are borne out by the passport entries, I am of the view that the implication of the third petitioner in the impugned private complaint is a clear abuse of legal process.

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3.The learned counsel for the respondent has no objection for quashing the impugned proceedings as regards the third petitioner is concerned. Therefore, the impugned proceedings are quashed as regards the third petitioner alone is concerned. It is made clear that quashing of the proceedings as regards the third petitioner cannot be taken advantage by the other accused. The case against the other accused/ petitioners will have to be dealt with on its own merits and in accordance with law. Considering the age and other aspects of the petitioners, their personal appearance before the Court below is dispensed with.

4.With this direction, this Criminal Original Petition is partly allowed. Consequently, connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate,  
Thuraiyur.

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

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate ( SR-360[F]

+1 CC to M/s.C.JEGANATHAN, Advocate ( SR-339[F]

**Crl.O.P. (MD)No.6321 of 2016**

**and**

**Crl.M.P. (MD)Nos.3149 & 3150 of 2016**

**03.01.2020**

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