



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) No. 19418 of 2019

and

Crl.M.P. (MD) Nos. 11399 & 11400 of 2019

1. Natarajan
2. Kannan
3. Vivekkumar
4. Praveen
5. Bharath

...Petitioners/Accused No.2 to 6

Vs.

- 1.State Rep. by Inspector of Police,
Vengamedu Police Station,
Karur District.
(Crime no. 297 of 2015, dated 30.12.2015)

2. K. Malathi ... Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the Charge Sheet filed in C.C.No.291 of 2016 on the file of the Judicial Magistrate, No.I, Karur and quash the same.

For Petitioners	: Mr.V. Nagarajan
For R-1	: Mr.S.Chandrasekar, Additional Public Prosecutor

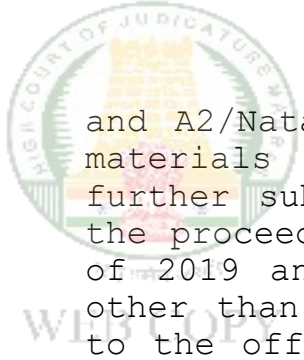
ORDER

This Criminal Original Petition has been filed to quash the Charge Sheet filed in C.C.No.291 of 2016 on the file of the Judicial Magistrate, No.I, Karur.

2. The case of the prosecution is that on a complaint of one Malathi who is the Village Administrative Officer of Kadhaparai Village that the lock of the Village Administrative Office was broken and that the free dhoties and sarees kept in the aforesaid Office for free distribution were stolen by some unknown persons. Based on a complaint give by the Village Administrative officer a case in Crime No.297 of 2015 was registered by the respondent police for the offences under Sections 457, 380 of IPC. Thereafter, the dhoties and sarees were recovered from the open place and subsequently, based on a confession statement of one Shanmugam, Village Assistant Officer, the petitioners have been implicated and final report has been filed against them.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the petitioners would submit that the confession statement were recorded from A1/Shanmugam



and A2/Natarajan while they were in custody and there is no other materials to implicate the petitioners in the crime. He would further submit that A1 had approached this Court seeking to quash the proceedings by way of filing a petition in CrI. OP(MD) No. 2022 of 2019 and this Court finding that there is no other material other than the confession statement to implicate the petitioner/A1 to the offence had quashed the proceedings/charge sheet against A1 alone by order, dated 08.02.2019. He would further submit that the first petitioner/A2 stands on the same footing and that in respect of the other peittioners no other material is available.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that apart from the confession statement of A-1 the first petitioner has also given a confession with regard to the crime. He would further submit that based on the confession statement of A1, the first petitioner/A2 was added as accused in this case.

5. Considering the facts and circumstances of the case, this Court finding that no other materials are available to prove the crime as against the petitioners other than the confession statement. By order, dated 08.02.2019 in CrI. OP(MD) No. 2022 of 2019 quashed the proceedings in respect of A1. The petitioners are similarly placed.

6. Accordingly, the Criminal Original Petition stands allowed and the proceedings of the Charge Sheet in C.C.No.291 of 2016 on the file of the Judicial Magistrate, No.I, Karur is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.1, Karur

2. Inspector of Police,
Vengamedu Police Station,
Karur District.

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

+1 CC to Mr.V.NAGARAJAN, Advocate (SR-1530[F] dated 10/01/2020)

CrI.O.P(MD)No.19418 of 2019
10.01.2020