

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 25.01.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.854 of 2021
and
C.M.P.Nos.526 & 527 of 2021

Munusamy

.. Petitioner

Vs.

1. The Inspector of Police,
Kammapuram Police Station,
Virudhachalam Taluk,
Cuddalore District - 606 103.
(Crime No.19/2017)

2. Mr.Pushparaj,
Sub Inspector of Police,
Kammapuram Police Station,
Virudhachalam Taluk,
Cuddalore District - 606 103.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.278 of 2017 on the file of the learned Judicial Magistrate ~II Court, Virudhachalam pending trial in Crime No.19 of 2017 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.G.Mohana Krishnan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to call for the records in C.C.No.278 of 2017 on the file of the learned Judicial Magistrate ~II Court, Virudhachalam pending trial in Crime No.19 of 2017 on the file of the 1st respondent police and quash the same.

2.On consent given by either side, the main petition itself is taken up for final hearing. The respondent Police has filed a final report against the petitioner who is arrayed as A5 in this case for offences under Sections 143, 188 and 285 of IPC.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. In considered view of this Court, the present case is squarely covered by the judgment of this Court in Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW CrI 606. In so far as the charge under Section 285 of IPC is concerned, there are absolutely no independent witnesses to speak about the overt act of the petitioner and in the present case, informant and the investigation officer are the same.

5. In view of the above, this Court does not have any hesitation in quashing the proceedings in C.C.No.278 of 2017, pending on the file of the learned Judicial Magistrate -II Court, Virudhachalam, in so far the petitioner is concerned and accordingly, this Criminal Original Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mtl

To

1. The Judicial Magistrate II, Virudhachalam.
2. The Inspector of Police,
K-4 Police Station, Chennai - 600 040.
3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.G.Mohana Krishnan, Advocate, S.R.No.3906.

CrI.O.P.No.854 of 2021

AP(CO)
CSR 19.03.2021