

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2572 of 2021
and
Crl.M.P Nos.1391 & 1393 of 2021

G.Rajeswaran ... Petitioner/ Accused

Vs.

1.The State Rep. By
The Inspector of Police,
CBCID, Metro Wing,
Chennai.

2.ABHAY WADKE
M/s.Geoffrey Manners Co. Ltd.,
Magnet House, Norotta Morarhee Marg
Mumbai-400 001. ... Respondents/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceeding in C.C No.2394 of 2017 on the file of the Exclusive Trial Court for CCB and CBCID, Metro Cases, Egmore, at Chennai.

For Petitioner : Mr.K.V.Muthu Visakan
For Respondents : Mr.C.Raghavan for R1
Government Advocate(Crl. Side)

सत्यमेव जयते
ORDER

On the consent given by either side, the main petition itself is taken up for final hearing.

2. Based on the complaint given by the 2nd respondent, an FIR came to be registered by the first respondent in Crime No.9 of 1998 for an offence under Sections 120-B, 467, 468, 408 and 420 IPC. On completion of investigation, a final report came to be filed against 9 accused persons and the petitioner was arrayed as A9 in the final report.

3. The Additional Chief Metropolitan Magistrate, Egmore, took cognizance of the final report in C.C No.8951 of 2002 for an offence under Sections 408, 120B r/w 109 IPC. The matter thereafter stood transferred to the file of the XI Metropolitan Magistrate, Saidapet and it was renumbered as C.C No.9773 of 2003. Thereafter, the matter was again transferred to the file of the Special Court dealing with CCB and CBCID Cases, Egmore and it was renumbered as C.C No.2394 of 2017.

4. The case was split up and insofar the other 8 accused persons are concerned, the Special Court for CCB and CBCID Cases, Egmore, conducted the trial in C.C No.2215 of 2017. The concerned Court's judgment dated 13.12.2019 acquitted all the other accused persons from all charges. Insofar as the petitioner is concerned, the proceedings are pending in C.C No.2394 of 2017.

5. The petitioner has now approached this Court to quash the proceedings on the ground that the acquittal of all the other accused persons from all the charges will also enure to the benefit of the petitioner.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the 1st respondent.

7. The final report was taken cognizance against all the accused persons for an offence under Sections 408, 120-B r/w 109 IPC. All the other accused persons have been acquitted by the Court below in C.C No.2515 of 2017. The materials that are available against the petitioner are the same materials which were available even for the accused persons who have been acquitted. In other words, the offence against all the accused persons is inseparable and indivisible. Therefore, the findings given by the Court below insofar as the other accused persons are concerned, will equally apply to the petitioner also. Therefore, no useful purpose will be served in making the petitioner undergo the ordeal of trial. The law on, this issue has been settled by this Court in the case of *Thamilendi Vs. State by Inspector of Police, Orathanadu Police Station, Thanjavur District* (Crime No.58 of 1991) and another reported in 2008 2 CTC page 153 and in the case of *Chinnappa @ Mahendran Vs. State represented by the Inspector of Police, Orathanadu Police Station, Thanjavur District* (Crime No.749 of 1997 and another reported in 2015 1 M.W Notes (Criminal), page 259.

8. In view of the above discussion, the proceedings against the petitioner in C.C No.2394 of 2017 on the file of the Exclusive Trial Court for CCB and CBCID, Metro Cases, Egmore, Chennai, is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Judge, Exclusive Trial Court for CCB and CBCID,
Metro Cases, Egmore, at Chennai.

2. The Inspector of Police,
CBCID, Metro Wing,
Chennai.

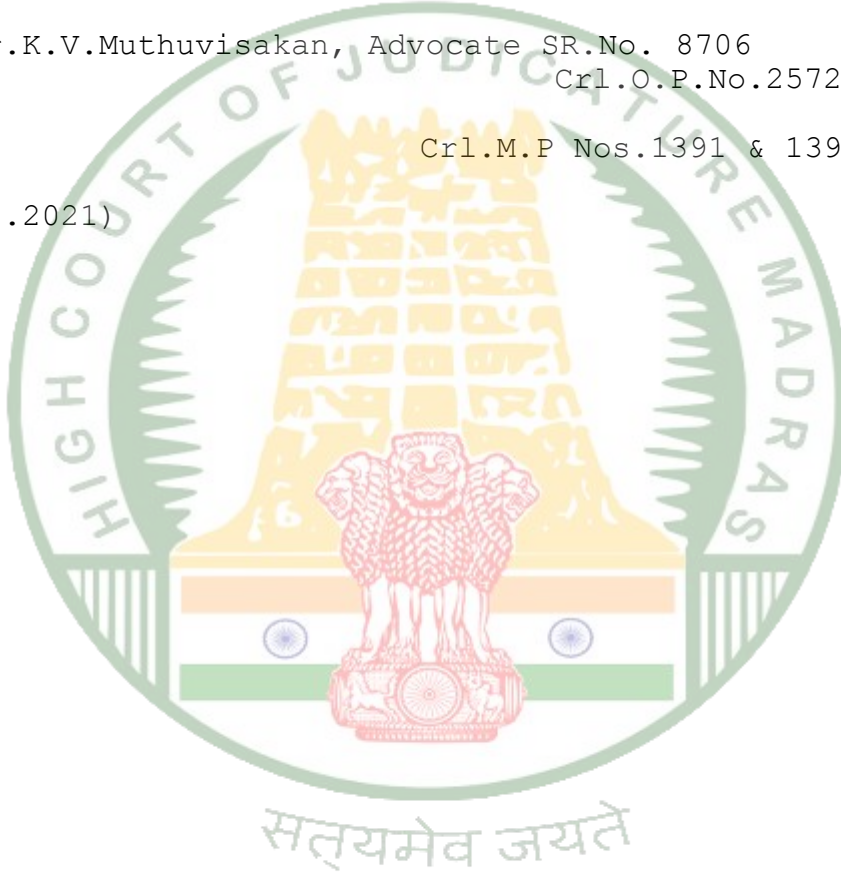
3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.K.V.Muthuvisakan, Advocate SR.No. 8706

Crl.O.P.No.2572 of 2021
and

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A.SK(24.03.2021)



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