

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 18.03.2021****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

Crl.O.P No.3539 of 2021
and Crl MP No.2076 of 2021

Lenin

.. Petitioner

Vs.

1. State Rep. By
The Inspector of Police,
Kalasapakkam,
Thiruvannamalai

2. Thanjiammal

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC No.1 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai District.

For Petitioner
For Respondent

: Mr.B.Mahendra Naidu
: Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This Criminal original petition has been filed seeking to quash the proceedings in PRC No.1 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai District.

2. The FIR was registered based on the complaint given by the 2nd respondent in Crime No.259 of 2014. On completion of the investigation, a final report has been filed against 5 named accused persons for an offence under Section 147, 148, 294(b), 452,323, 324, 506(ii) IPC and 3 of PPD Act. The petitioner has been arrayed as A3.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

4. This Court has carefully considered the submissions

made on either side and also perused the materials available on

record.

5. In the considered view of this Court, there are no materials to sustain the final report insofar as the offence under Section 3 of PPD Act is concerned. In fact, the Court below was not able to commit this case only due to the fact that there are no materials to sustain this charge. In the absence of this charge, the Court below will have jurisdiction to proceed further against the accused persons for all the other offences.

6. Taking into consideration the materials available on record and also of the fact that this is a case pertaining to the year 2014 and there are no sufficient materials to sustain the charge under section 3 of PPD Act, this Court is inclined to interfere with the final report insofar as the charge under Section 3 of PPD Act. For all the other offences, this Court finds *prima facie* materials based on the statement made by the witnesses.

7. In the result, the final report filed by the 1st

respondent and taken on file by the Court below in PRC No.1 of 2021, is interfered insofar as the charge under Section 3 of PPD Act is concerned and the relevant charge alone is quashed. The Court below is directed to proceed further by assigning a fresh case number and frame charges based on the materials available with the final report. The proceedings shall be completed within a period of three months from the date of framing of the charges. This Criminal Original Petition is allowed to the extent indicated herein above.

18.03.2021

Index : Yes/No
Internet : Yes/No
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N. ANAND VENKATESH, J.

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To

1. State Rep. By
The Inspector of Police,
Kalasapakkam,
Thiruvannamalai
2. The District Munsif cum Judicial Magistrate,
Kalasapakkam, Thiruvannamalai District
3. The Public Prosecutor,
High Court of Madras.



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