

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3878 of 2021
and
Crl.M.P.Nos.2313 and 2314 of 2021

Mohamed Hajali

.. Petitioner

Vs.

1. STATE REP.BY ITS
THE INSPECTOR OF POLICE,
NELLI KUPPAM POLICE STATION,
CUDDALORE.

2. AROKIYA RAJ

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC.No.39/2011 pending on the Judicial Magistrate No.I Cuddalore and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.I.Abdul Basith
For Respondent-1 : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

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

2. This petition has been filed seeking to quash the proceedings in P.R.C.No.39 of 2011, pending on the file of Judicial Magistrate No.I, Cuddalore.

3. The respondent police filed a final report and the same was taken on file after committal by the learned Principal Assistant Sessions Judge, Cuddalore, in SC No.24 of 2011. The case was split up and A1, A2, A3, A5, A7, A8, A9, A10, A11, A12, A16, A17, A19, A20, A21, A22, A25 and A26, under went trial and they were acquitted from all charges by judgement dated 30.01.2014.

4. The Split up case is now pending on the file of learned Judicial Magistrate I, Cuddalore in PRC No.39 of 2011. The petitioner has been arrayed as A14 in this case.

5. One Madan @ Salman, who was ranked as A13 in this case approached this Court and filed CrI.OP No.28114 of 2019. This Court on considering the facts and circumstances of the case and finding that the charges against the accused person is inseparable and the other accused persons have already been acquitted from all the charges, proceeded to quash the proceedings against A13 by an order dated 21.11.2019. The petitioner, who is ranked as A14, is also placed in the footing as that of A13 and therefore, the petitioner has approached this Court seeking to quash the proceedings.

6. Heard the learned counsel appearing on behalf of the petitioner and Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor, appearing on behalf of respondents.

7. Taking into consideration the facts and circumstances of the case and also of the fact that the acquittal of the other accused persons, who are similarly placed, will also enure to the benefit of the petitioner since the charges are inseparable and the evidence available is the same, the proceedings in PRC.No.39/2011 pending on the Judicial Magistrate No.I Cuddalore is hereby quashed insofar as the petitioner is concerned. This Criminal Original petition is allowed accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RKA

To

1. THE JUDICIAL MAGISTRATE No.I, CUDDALORE.
2. THE INSPECTOR OF POLICE,
NELLI KUPPAM POLICE STATION, CUDDALORE.
3. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 cc to Mr.I.Abdul Basith, Advocate SR.No.12496

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CrI.M.P.Nos.2313 and 2314 of 2021

AK-II (CO)
TE (16/04/2021)