



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.6915 of 2017 and
Crl.M.P.Nos.5048 & 5049 of 2017

M.Ambigapathy

... Petitioner

Vs

1. The State rep. by
The Sub Inspector of Police,
Sooramangalam Police Station,
Salem District.

2. M.Chinnannan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records pertaining to the case pending in C.C.No.284 of 2016 on the file of the learned Judicial Magistrate No.II, Salem and quash the same.

For Petitioner : Mr.C.P.Palanichamy
for Mr.C.Selvaraj

For Respondents : R1 - Mr.R.Kishore Kumar,
Government Advocate(Criminal Side)
R2 - No appearance

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet pending in C.C.No.284 of 2016 on the file of the learned Judicial Magistrate No.II, Salem against the petitioner for the offences under Sections 294(b), 506(ii) of I.P.C.

2. The Petitioner/A2 is none other than the brother of the defacto complainant. The crux of the charge of the prosecution is that A1, father and A2, brother of the defacto complainant had abused the defacto complainant in respect of the pathway on 04.07.2016 at about 04.00 P.M. Thereby they have committed offences punishable under Section 294, 506(i) of I.P.C.



3. The prosecution has filed final report in this case. On perusal of the final report this Court is of the view that, including the present petitioner in this case as an accused is nothing but abuse of process of law. Various statements recorded from the defacto complainant indicate that only the father has abused and threatened the defacto complainant and the present petitioner was nowhere implicated. Despite such materials collected during the investigation, the petitioner has been mechanically arrayed as an accused. In such view of the matter, the final report filed against A2/present petitioner liable to be quashed. Accordingly the final report is quashed.

4. In the result, this Criminal Original Petition is allowed and the charge sheet pending in C.C.No.284 of 2016 on the file of the learned Judicial Magistrate No.II, Salem against Petitioner/A2 for the offences under Sections 294(b), 506(i) of I.P.C. is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ggs / kbs

To

1. The learned Judicial Magistrate No.II,
Salem.
2. The Sub Inspector of Police,
Sooramangalam Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Selvaraj, Advocate SR.No.65498

Cr1.O.P.No.6915 of 2017 and
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KG(CO)
GN(23/12/2021)