

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 16.03.2021****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

Crl.O.P No.12530 of 2017
and Crl.MP.Nos.8169 & 8170 of 2017

K.Murugan

.. Petitioner

Vs.

State by Inspector of Police,
Varanjaram Police Station,
Villupuram District.
Crime No.145 of 1991

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC.No.7 of 2003 on the file of the learned Judicial Magistrate, Kallakurichi and quash the same.

For Petitioner
For Respondent

: Mr.A.Saravanan
: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in PRC.No.7 of 2003 on the file of the learned Judicial Magistrate, Kallakurichi.

2. The respondent police registered an FIR in Crime No.145 of 1991 against 14 accused persons. On completion of the investigation, a final report was filed before the learned judicial Magistrate Ulundurpet and the same was taken on file in PRC No.1 of 1993. The case was committed to the file of the Sessions Court, Villupuram and it was assigned with SC No.65 of 1993. The sessions Court framed charges for an offence under Section 147, 148, 323, 325 307, 302 r/w 109 of IPC.

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3. Before the case was committed, it was split up and the trial was faced by A1, A2, A4, A5, A8 and A14. These accused persons were convicted and sentenced by the Trial Court by judgement dated 23.03.1994.

4. Aggrieved by the judgment of the Trial Court, an Appeal came to be filed before this Court in Crl A No.235 of 1994. The defacto complainant also filed a revision before this Court against the acquittal of the accused persons on certain charges. Both the cases were taken up together and this Court by judgment dated 28.09.2001 allowed the Criminal Appeal and dismissed the Criminal Revision and those accused persons were acquitted from all charges. This judgment was further confirmed by the Hon'ble Supreme Court in Crl A No.668 of 2008 by judgement dated 16.09.2008.

5. The petitioner was arrayed as A6 in the present case. Since the case was split up insofar as the petitioner is concerned, it was lying before the committal court viz., the learned Judicial Magistrate, Kallakurichi, in P.R.C No.7 of 2003.

6. The petitioner has approached this Court seeking to quash the proceedings in PRC No.7 of 2003 on the ground that

the charges are indivisible and inseparable and therefore, the acquittal of the other accused persons will ensure to the benefit of the petitioner.

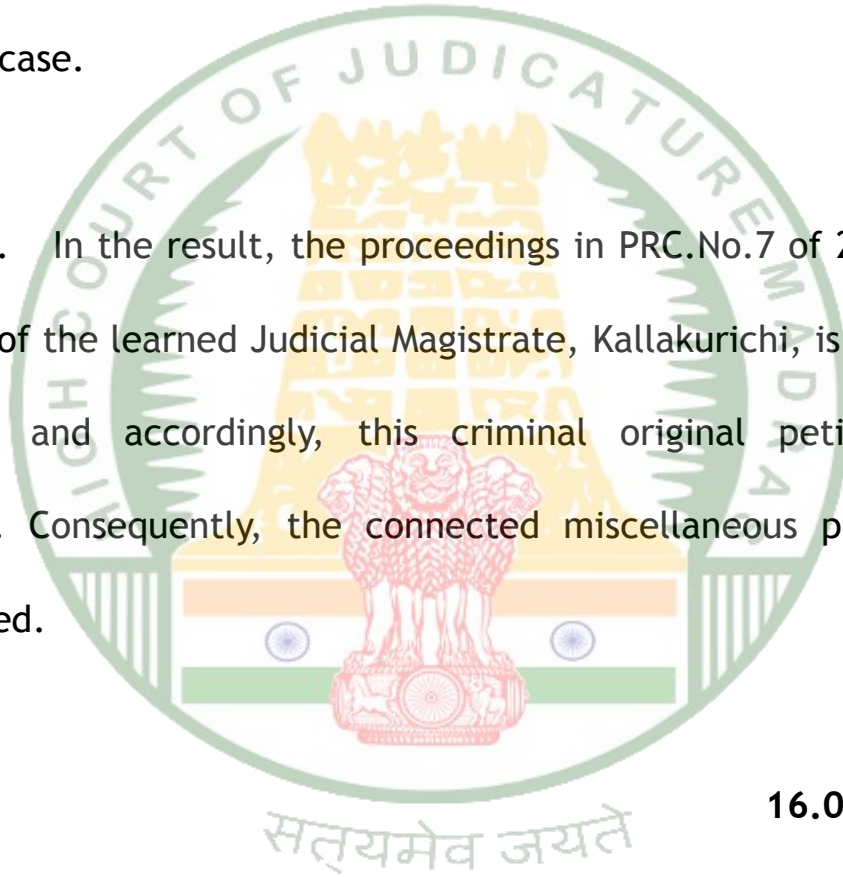
7. The learned counsel for the petitioner in order to substantiate his submissions, relied upon the judgment of this Court in ***[Thamilendi Vs. State by inspector of Police, Orathanadu Police Station, Thanjavur District and another]*** 2008 2 CTC 153 and also the judgment of this Court in ***[Chinnappa @ Mahendran Vs. The State Rep. By the Inspector of Police, Orathanadu Police Station, Thanjavur District]*** in 2015 1 Madras Weekly notes Criminal 259.

8. Heard the learned counsel for the petitioner and the learned Additional public Prosecutor appearing on behalf of respondents.

9. On going through the records, it is found that the evidence that is available against the petitioner is inseparable

and indivisible from the other accused persons. No useful purpose will be served by making the petitioner face the ordeal of trial. Under such circumstances, the judgments cited by the learned counsel for the petitioner will squarely apply to the facts of the present case.

10. In the result, the proceedings in PRC.No.7 of 2003 on the file of the learned Judicial Magistrate, Kallakurichi, is hereby quashed and accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.



16.03.2021

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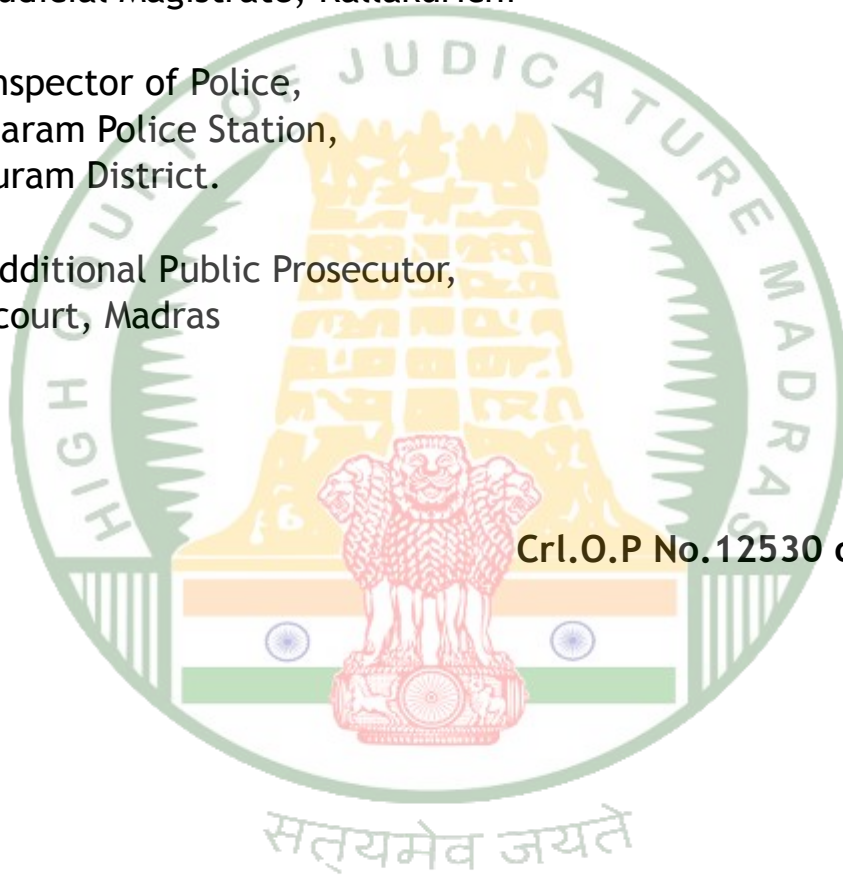
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N. ANAND VENKATESH, J.

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To

1. The Judicial Magistrate, Kallakurichi
2. The Inspector of Police,
Varanjaram Police Station,
Villupuram District.
3. The Additional Public Prosecutor,
High court, Madras



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