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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25760 of 2017

and

Crl.M.P.Nos.14843 & 14844 of 2017

1.V.Ramar

2.R.Elamaran

... Petitioners/Accused 1and2

Vs.

1. The State represented by
The Inspector of Police,
Thirumanur Police Station,
Thirumanur, Ariyalur District.

2.Valarmathi

2.Chockalingam

... Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to the complaint in C.C.No.25 of 2017 on the file of the Chief Judicial Magistrate, Ariyalur, and quash the said complaint as against the petitioners/accused 1 and 2.

For Petitioners : Mr.P.Dinesh Kumar

For R1 : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

For R2 & R3 : Mr.A.R.Suresh

O R D E R

This Criminal Original Petition has been filed to quash the final report in C.C.No.25 of 2017 on the file of the Chief Judicial Magistrate, Ariyalur, insofar as the petitioners are concerned.

2.The case of the prosecution is that a dispute arose between the de facto complainant and the accused with regard to



connecting electricity line in respect of de facto complainant's house to the Electricity Meter, through the premises of the accused, which was objected by the accused. As a result of wordy quarrel between the parties, A1 caused injuries on Chockalingam and A2 abused and threatened him.

3. Heard the learned counsel on either side and perused the entire materials available on record.

4. On a perusal of the final report filed by the prosecution, it is seen that the charge against A1 is that he abused the witnesses and also caused grievous injury. A2 is said to have abused and threatened the de facto complainant. From the materials unearthed by the prosecution, it is seen that, only stray allegations of abuse and threat have been made against A2 and this Court is of the view that the same is not sufficient to proceed against A2. Therefore, this Court is of the view that, continuance of prosecution as against A2 is a sheer waste of time and abuse of process of law.

5. Accordingly, this Criminal Original Petition is allowed and as a sequel, the proceedings in C.C.No.25 of 2017 on the file of the Chief Judicial Magistrate, Ariyalur, is quashed, insofar as the 2nd accused alone is concerned. Consequently, connected miscellaneous petitions are closed.

6. It is further stated that A1 has died. The said submission is recorded. The prosecution shall verify as to whether A1 has died and if so, file necessary Death Certificate before the trial Court.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mkkn

To

1. The Chief Judicial Magistrate,
Ariyalur.
2. The Inspector of Police,
Thirumanur Police Station,
Thirumanur, Ariyalur District.



3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No.62254

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Cr1.O.P.No.25760 of 2017

SVI (CO)
CT 09/12/2021