



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGOVAN**

Crl.O.P. (MD)No.5282 of 2021

and

Crl.M.P. (MD)No.3049 and 3050 of 2021

WEB COPY

- 1.T.Balasubramanian
- 2.Suyambu
- 3.Thirupathi
- 4.Suresh
- 5.Stephen
- 6.Selvakumar
- 7.Stephen Sathya Prasath
- 8.Rameshkumar
- 9.Kanagaraj
- 10.Kumar
- 11.Murugesan
- 12.Muthukrishnan
- 13.Kuselasamy
- 14.Gnanasekaran
- 15.Chandrakumar
- 16.Pasupathi
- 17.Suresh
- 18.Ponraj
- 19.Muthulingam
- 20.Thangakumar
- 21.L.A.S.Pandiyan
- 22.Rajendran
- 23.Murugan
- 24.Jeyakannan
- 25.Iyyappan
- 26.Thillainathan
- 27.Lingeswaran
- 28.Thangaraj
- 29.Ramalingam
- 30.Murugesan
- 31.Selva Siva Lingam
- 32.Shenbaga Raja Boopathi @ Babu
- 33.Thivagar

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.261 of 2019)

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in

<https://hcservices.ecourts.gov.in/hcservices/>



S.T.C.No.914 of 2019 on the file of the Judicial Magistrate No.II, Nagercoil and quash the same as illegal.

For Petitioners : Mr.J.Madhu

For Respondent : Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

The present petition is filed seeking quashment of the proceedings in S.T.C.No.914 of 2019 on the file of the Judicial Magistrate No.II, Nagercoil.

2.A perusal of the records shows that the petitioners are facing trial in C.C.No.56 of 2010 on the file of the Judicial Magistrate No.I, Nagercoil. During the pendency of the case, the petitioners along with other accused filed a petition for quash before this Court in Crl.O.P.(MD)Nos.15395 and 1523 of 2012 and that petition was dismissed on 18.02.2019 with a direction to the petitioners to appear before the Court and execute a bond within two weeks from the date of transfer and further direction was also issued that if any of the accused failed to appear before the learned Judicial Magistrate No-I, Nagercoil or the learned Judicial Magistrate, Valliyoor, a complaint must be lodged for registering the First Information Report under Section 229(A) of IPC and they also should be remanded to judicial custody. Pursuant to that order, the petitioners were not able to surrender before the trial Court as directed and again filed a petitions before this Court in Crl.M.P.(MD)Nos.5464 and 6066 of 2019 seeking extension of time, that was allowed on 12.07.2019 granting two weeks time from the date of order. On the same day itself, a complaint impugned under the present petition appears have been lodged by the officer of the Court, which was also registered on 15.07.2019. Since time has already been extended by this Court, the willful disobedience of abscondance of the accused does not arise.

3.Since there is a co-incidence between these two events, I am of the considered view that nothing survives for further adjudication in the case pending on the file of the learned Judicial Magistrate No.II, Nagercoil.

4.Accordingly, this petition is allowed. The proceedings in S.T.C.No.914 of 2019 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, stands quashed. Consequently, connected miscellaneous petitions are closed.

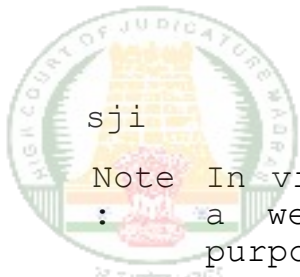
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sj1

Note In view of the present lock down owing to COVID-19 pandemic,
: a web copy of the order may be utilized for official
purposes, but, ensuring that the copy of the order that is
presented is the correct copy, shall be the responsibility of
the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.II, Nagercoil.
- 2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5282 of 2021
15.04.2021

RK(27.05.2021) 3P 4C