



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.13831 of 2021

and

Cr1 MP(MD)Nos.7186 & 7187 of 2021

Ajithkumar

... Petitioner/Accused No.4

vs.

1.The State,

Rep.by the Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.
(Crime No.27 of 2019)

...1st respondent /
complainant

2.Kalimuthu

... 2nd Respondent /
Defacto complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in C.C No.94 of 2021 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District and quash the same.

For Petitioner : Mr.D.Banuprasath
For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor for R1
Mr.V.Malaiyendran for R2

ORDER

The petitioner herein namely Ajithkumar is facing trial in C.C No.94 of 2021 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District for the offences under Sections 147, 341, 294 (b), 323 and 506(1) of IPC. The petitioner is figuring as the fourth accused. The case of the prosecution is that the occurrence in question took place on 17.02.2019 at about 05.00 P.M. Even according to the defacto complainant, what happened in the evening was a sequel to what happened in the morning. The first accused, fifth accused and the sixth accused had come in a drunken condition and quarreled with the defacto complainant herein. There is no specific allegation against the petitioner. Even in the evening



incident, there is no specific overt act attributed to the petitioner.

2. There is material to show that there was previous enmity between the defacto complainant and A1, A5 and A6. The petitioner is only a friend of A1. Therefore, the petitioner has also been implicated. It has been held in Bhajan Lal's case that where the prosecution has been instituted with a view to wreak vengeance, it can be quashed. I am more than satisfied that the petitioner has been falsely implicated. The impugned proceedings stand quashed as far as the petitioner is concerned. This criminal original petition is allowed. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

skm

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, Vilathikulam,
Thoothukudi District.
2. The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High court, Madurai.

1CC TO MR. P.BANUPRASATH, ADVOCATE SR:38202

MGJ

16/12/2021

2P/5C

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