



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.16419 of 2021 and

CRL.M.P.(MD)No.8849 of 2021

WEB COPY

Ragurajarathinam

... Petitioner / Accused No.1

Vs.

1. The State rep. By,
The Sub Inspector of Police,
Rajapalayam North police station,
Virudhunagar District.
(Crime No.11 of 2019)

... 1st Respondent / Complainant

2. Maheswaran

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in S.T.C.No.666 of 2021 pending on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, against the petitioner.

For Petitioner	: Mr.G.Thalaimuthuarasu
For R-1	: Mr.T.Senthil Kumar, Additional Public Prosecutor.
For R-2	: Died

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. The petitioner is facing trial in S.T.C.No.666 of 2021 on the file of the Judicial Magistrate, Rajapalayam, Virudhunagar District, for the offences under Sections 294(b), 341 and 506(i) of I.P.C.

3. The defacto complainant in this case is one Maheswaran. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant, threatened him and abused him by using filthy language in a public place. Based on the complaint of the defacto complainant, Crime No.11 of 2019 was registered on the file of Rajapalayam North police station. It was investigated and final report was filed. Cognizance of the aforesaid offences was taken. These proceedings are sought to be quashed on the grounds set out in the memorandum of grounds.



4. It is seen that the defacto complainant Maheswaran passed away on 16.11.2019 itself. The entire prosecution rests on the testimony of the defacto complainant. He himself is no more. It is therefore impossible for the prosecution to establish the charges against the accused. Therefore, permitting the prosecution to continue would only be a waste of judicial time. Therefore, the impugned proceedings are quashed.

5. This criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
Rajapalayam, Virudhunagar District.
2. The Sub Inspector of Police,
Rajapalayam North police station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.16419 of 2021

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