



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P.(MD)No. 16964 of 2021

and

Crl.M.P.(MD)Nos. 9172 & 9173 of 2021

Abul Faizal

... Petitioner/Accused No.5

Vs.

1. The State represented by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City,
Tirunelveli.
(Crime No.703 of 2011)

... 1st Respondent/Complainant

2. Hanifa

... 2nd respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the charge sheet in P.R.C.No.110 of 2019 on the file of the Judicial Magistrate No.V, Tirunelveli and quash the same insofar as petitioner is concerned.

For Petitioner : Mr.C.Susi Kumar

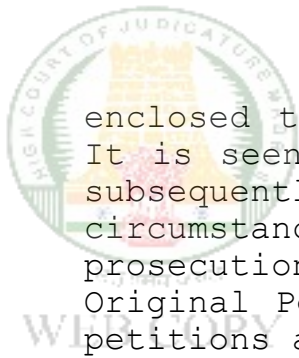
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side) for R1

ORDER

The petitioner is the accused in P.R.C.No.110 of 2019 on the file of the Judicial Magistrate No.V, Tirunelveli.

2. The petitioner is facing trial along with the other accused. The petitioner, however, absconded and as a result, the case against him was split up. The trial was independently undertaken. The case against other accused ended in acquittal because the main witnesses have turned hostile.

3. The petitioner now states that no purpose will be served in committing the proceedings to the Sessions Court and once again calling those witnesses for examination. The petitioner had



enclosed the deposition of P.W.1 and P.W.2 in S.C.No.352 of 2019. It is seen that both of them turned hostile. The victim also died subsequently and before commencing the other trial. In these circumstances, no purpose will be served in continuing the impugned prosecution. The impugned proceedings are quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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.V,
Tirunelveli.
2. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl O.P. (MD)No. 16964 of 2021

and

Crl.M.P. (MD)Nos. 9172 & 9173 of 2021

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