



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No. 18830 of 2021

WEB COPY

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... Petitioner/Sole Accused

Vs.

1. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.370 of 2020)

... 1st Respondent/Complainant

2.Velmurugan

... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records in C.C.No.28 of 2021 on the file of the learned Judicial Magistrate, Alangulam and quash the same for further proceedings against the petitioner concerned.

For Petitioner : Mr.C.Saravanakumar

For Respondents : Mr.T.Senthil Kumar

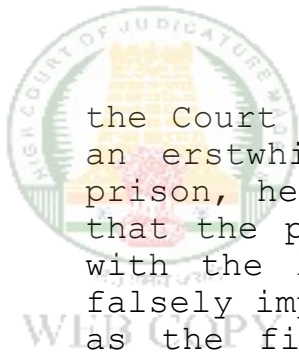
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.28 of 2021 pending on the file of learned Judicial Magistrate, Alangulam, Tenkasi District.

2. The petitioner is facing trial for the offences under Sections 294(b), 387 and 506(2) IPC. When the matter was taken up on the earlier occasion, the learned Counsel for the petitioner stated that the complainant has become a paralysed stroke patient. He also would state that the complainant is not interested in pursuing the matter. The first respondent was instructed to verify the statement.

3. Today, when the matter was taken up for hearing, it was submitted by the learned Additional Public Prosecutor that when the police personnel attached to the first respondent met the defacto complainant, he was found to be in a mentally deranged condition. It appears that he will not be in a position to even depose before



the Court below. It is also stated that the defacto complainant is an erstwhile life convict and after spending some 14 years in prison, he has been released. The petitioner's counsel would state that the petitioner is having one previous case involving quarrel with the local police and that is why, the petitioner has been falsely implicated. I went through the contents of the FIR as well as the final report. The prosecution case does not inspire my confidence. It is impossible to believe that the person would have dared to threaten an erstwhile life convict by showing aruval. For all these reasons, the continuance of the impugned prosecution is not warranted. This impugned proceeding is quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Alangulam, Tirunelveli District.
2. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.18830 of 2021

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USK (28.12.2021) 2P 4C