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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08/06/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.9850 OF 2022

N.D.Natrajan

... Petitioner

.Vs.

The Inspector of Police,
Villupuram Taluk Police Station,
Viluppuram.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.C.No.146 of 2021 on the file of the Mahalir Neethi Mandram, Villupuram and quash the same.

For Petitioner : Mr.P.Pugalenth

For respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash S.C.No.146 of 2021, pending on the file of the Mahalir Neethi Madram, Villupuram.

2. Heard Mr.P.Pugalenth, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondent.

3. The main contention urged by the learned counsel for the petitioner is that originally, the petitioner being the husband of the deceased Indira was arrested for the alleged offence, punishable under Sections 498 (A), 302 and 201 of the Indian Penal Code. The respondent Police proceeded with the investigation and filed a final report. The above final report was filed before the learned Judicial Magistrate No.I, Villupuram and it was taken on file in P.R.C.No.16 of 2020 and it committed to the Mahilla Court, Villupuram, in S.C.No.146 of 2021.



4. When the above matter was pending, an application for further investigation was moved by the prosecution, under Section 173 (8) of Cr.P.C., by the Mahila Court, Villupuram. After further investigation, the investigation agency came to the conclusion that the present petitioner is not the real accused and one Viswanathan and Prasanna Venkatesh are the actual accused persons, who were arrayed as accused Nos.1 and 2, for causing death of the wife of the petitioner.

5. The Additional Mahila Judicial Magistrate, Villupuram, by order, dated 13/12/2021, deleted the name of the petitioner from the array of the accused and took cognisance, on the basis of the subsequent additional final report filed by the investigation agency. It appears from the records that original S.C.No.146 of 2021 is still pending, on the file of the Sessions Court Mahila. The Additional final report was taken separately and committed to the Sessions Court, in P.R.C.No.9 of 2021. The above additional final report was taken as separately in S.C.No.5 of 2022.

6. Now, the grievance of the petitioner is that when the investigation agency itself deleted the name of the accused and found out the real accused, the learned Sessions Judge, is still insisting the presence of the petitioner to face ordeal of the trial.

7. Admittedly, the name of the petitioner was deleted by the Investigation Officer after thorough further investigation. Such being the position, again, issuing the summons to the petitioner, to face the ordeal of the trial is nothing but an abuse of process of law.

8. Accordingly, this Criminal Original Petition is allowed. The trial Court shall club both the final report together and proceed against the real accused, who were arrayed as an accused, on the basis of the additional final report filed by the Investigation Officer. The trial Court shall ensure that later S.C.No. assigned separately shall be clubbed with original S.C.No.146 of 2021 and trial should be conducted in S.C.No.146 of 2021 as against the real accused who are found in further investigation.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mvs



To

1. The Mahalir Neethi Mandram,
Villupuram.
2. The Inspector of Police,
Villupuram Taluk Police Station,
Viluppuram.
3. The Public Prosecutor,
Madras High Court,
Chennai.

CRL.O.P.NO.9850 OF 2022

GP (CO)
PBS/20/06/2022