



Crl.O.P.No.14981 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 30.06.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**Crl.O.P.No.14981 of 2022**  
**and**  
**Crl.M.P.Nos.8351 & 8352 of 2022**

Murugavel @ Murugan

... Petitioner

Vs.

The State represented by its,  
Inspector of Police,  
B2, Esplanade Police Station,  
Chennai - 600 104.

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., pleased to call for the records in CC.No.832 of 2010 on the file of the VII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Ms.G.Uma Maheswari

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor



CrI.O.P.No.14981 of 2022

## **ORDER**

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.832 of 2010 on the file of the learned VII Metropolitan Magistrate, George Town, Chennai.

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

3. The petitioner herein was worked as a watchman in the premises, wherein the de-facto complainant was a tenant who was an Advocate. There exist a dispute between the landlord/A1 and the de-facto complainant. When certain litigations were pending between them, the de-facto complainant had given a complaint that the petitioner and others were trespassed into his tenanted portion and had taken away certain things. The prosecution rests its case on the statement made by the de-facto complainant. There are also two other witnesses, viz., LW3 and LW4, who claim that they also had knowledge about the incident. Whereas, the de-facto complainant died on 04.06.2021 and similarly, LW3 and LW4 were also died on 04.05.2021 and 06.03.2016 respectively, thereby, the prosecution would never be able to establish the case of the de-facto complainant.



CrI.O.P.No.14981 of 2022

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4. In such view of the matter, considering the order passed by this Court in CrI.O.P.No.17923 of 2016 dated 29.09.2021, wherein the proceedings in C.C.No.832 of 2010 on the file of the learned VII Metropolitan Magistrate, with regard to the other accused is quashed, the proceedings in C.C.No.832 of 2010 pending on the file of the learned VII Metropolitan Magistrate, George Town, Chennai as against the present petitioner/A3 is also quashed.

5. Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

**30.06.2022**

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Speaking Order/Non-speaking Order  
Index :Yes/No  
Internet:Yes/No

To

1. The Inspector of Police,  
B2, Esplanade Police Station,  
Chennai - 600 104.
2. The Public Prosecutor,  
High Court of Madras.



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**N. SATHISH KUMAR, J.**

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and Crl.M.P.Nos.8351 & 8352 of 2022**

**30.06.2022**