



Crl.O.P.No.15033 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.15033 of 2022
and Crl.M.P.Nos.8387 & 8390 of 2022

Siva @ Sivan

... Petitioner

Vs.

1. State by,
The Inspector of Police,
Kandili Police Station,
Thirupathur District.
(Crime No.18 of 2020)

2. Kanaka

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to call for the records in CC.No.57 of 2022 on the file of the learned Judicial Magistrate No.II, Thirupathur and quash the same against the petitioner.

For Petitioner : Mr.J.N.Naresh Kumar

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to quash the final report filed against the petitioner for the offence under Sections 294(b) & 326 IPC in C.C.No.57 of 2022 on the file of the learned Judicial Magistrate No.II, Thirupathur.

2. The learned counsel for the petitioner submitted that on 15.01.2020, there was a scuffle among the family members, whereby the de-facto complainant sustained several injuries. He also submitted that in FIR, there was no mention about the present petitioner/A2 and also even in the statement of the victim, there was no overtact against the petitioner.

3. The learned Additional Public Prosecutor appearing for the first respondent also submitted that there is no indiscriminating materials available as against the petitioner/A2.

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



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5. On perusing the entire materials, it shows that the present petitioner/A2 has been unnecessarily implicated in this case. In such view of the matter, this court is of the opinion that continuing the prosecution against A2 is nothing but the futile exercise, therefore, the final report filed by the respondent police in C.C.No.57 of 2022 on the file of the learned Judicial Magistrate No.II, Thirupathur as against the petitioner/A2 alone stands quashed.

6. 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,
Kandili Police Station,
Thirupathur District.
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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