



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.04.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.OP NO.23802 OF 2019

&

CRL MP.NO.12543 OF 2019

1.Mr.Shahul Hammeed

2.Mr.Riyasdeen

... Petitioners/10th & 29th Accused

Vs

1. State rep. by
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.

Mr.Sounderarajan(died)

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in PRC no.4 of 2006 pending on the file of the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur and quash the same.

For Petitioners : Mr.K.Nizamuddin

For Respondent : Mr.S.Vinothkumar,
GA (crl.side) for R1

ORDER

This petition has been filed under Section 482 Cr.P.C., to call for the records in PRC no.4 of 2006 pending on the file of the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur and quash the same.

2.Heard the learned Counsel for the Petitioners and the learned Government Advocate(Crl.side) appearing for the Respondent police.



3.Today, when the matter is taken up for hearing, the learned Counsel for the Petitioners submitted that the trial in S.C.No.133 of 2016 is pending on the file of the Principal District and Sessions Court, Tiruvarur, and the accused had been acquitted. He further submitted that these petitioners are arrayed as A10 and A29 as per the charge sheet and the case against the petitioners herein is pending at PRC stage before the Court of the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur. Further, the learned Counsel submitted that on the basis of judgment of acquittal in S.C.No.133 of 2016 on the file of the Principal District and Sessions Court, Tiruvarur, this Court had already quashed the proceedings in CrI OP No.20934 of 2019, pending on the file of the Magalir Neethimandram, Fast Tract Mahila Court, Tiruvarur, and on the same ground, the petitioners herein are also seeking to quash the proceedings in PRC no.4 of 2006 pending on the file of the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur.

4.On a perusal of the judgment of the learned Sessions Judge, Tiruvarur, it is found that main witnesses died before the trial commenced and the other witnesses, who were examined before the trial Court, did not depose anything incriminating the accused persons in Court. Therefore, based on the evidence of prosecution witnesses, nothing incriminating against the accused was found to face the trial. Based on the same judgment of acquittal, this Court in CrI OP No.20934 of 2019 dated 05.08.2019 had quashed the proceedings in S.C.No.58 of 2017 pending on the file of the Magalir Neethimandram, Fast Tract Mahila Court, Tiruvarur. The above judgment will squarely apply to the facts of the present case also.

5. Accordingly, the proceedings in PRC no.4 of 2006 pending on the file of the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Thiruthuraipoondi.



2. -do- through The Chief Judicial Magistrate,
Tiruvavarur.

3. The Inspector of Police,
Muthupettai Police Station,
Tiruvavarur.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.I.Abdul Basith, Advocate, S.R.No.27787

Crl.OP No.23802 of 2019

SJ(CO)
RLP(11/05/2022)