



Crl.M.P.No.18338 of 2022

Crl.M.P.No.18338 of 2022
in Crl.O.P.No.22035 of 2015

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G.K.ILANTHIRAIYAN, J.

This petition has been filed to clarify the order dated 03.04.2019 in Crl.O.P.No.22035 of 2015, in order to pass a detailed order as in Crl.O.P.No.26414 of 2015 and thereby quash the complaint in S.T.R.No.1402 of 2005 against the petitioner/accused 7 and dispose of the Crl.O.P.No.22035 of 2015.

2. This Court by an order dated 03.04.2019 in Crl.O.P.No.22035 of 2015 closed the petition filed by the petitioner. In this regard, the learned counsel appearing for the petitioner would submit that insofar as the co-accused are concerned, this Court already quashed the proceeding in S.T.R.No.1402 of 2005 in Crl.O.P.Nos.26854 and 33659 of 2005 by an order dated 23.12.2009. The petitioner also stands on the footing and the benefit granted to the co-accused may be extended to this petitioner also.



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3. Considering the above submission, paragraph Nos. 2 & 3 of the order dated 03.04.2019 passed in Crl.O.P.No.22035 of 2015 shall read as follows:-

“2. The learned counsel appearing for the petitioner that the co-accused had already been approached this Court in Crl.O.P.Nos.26854 and 33659 of 2005 and this Court by an order dated 23.12.2009, quashed the complaint in S.T.R.No.1402 of 2005 as against them. The petitioner also stands on the same footing and he may be extended the same benefit.

3. Considering the facts and circumstances, the complaint in S.T.R.No.1402 of 2005 on the file of the Judicial Magistrate No.II, Karaikal, is hereby quashed in respect of the petitioner alone. However, it is made clear that the quashing of the proceedings in S.T.R.No.1402 of 2005 as against the petitioner shall not stand on the way of the respondent from prosecuting the petitioner in respect of the offences arising under IPC.

4. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.”



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Registry is directed to incorporate the above paragraphs in the order dated 03.04.2019 passed in Crl.O.P.No.22035 of 2015 and issue a fresh order copy.

12.12.2022

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