



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 04.02.2022

PRONOUNCED ON: 25.04.2022

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.2531 of 2022

and

CrI.M.P.(MD)No.1892 of 2022

1.Manoharan

2.Sudhakar @ Edwin Sudhakar ... Petitioner / Accused Nos.3 & 4

Vs

1.The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District,
In Crime No.28 of 2017 ... 1st Respondent / Complainant

2.Paramasivapandian ... 2nd Respondent / Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in connection with Crime No.28 of 2017 on the file of the 1st respondent and quash the same against the petitioners.

For Petitioner : Mr.M.Veilkaniraju

For R1 : Mr.M.Sakthikumar
Government Advocate (crl.side)

For R2 : Mr.A.Robinson

ORDER

This Criminal Original Petition has been filed to quash Crime No.28 of 2017 registered on the file of the first respondent.

2. Though I found the petitioner's counsel's contention to be persuasive, I am not in a position to grant relief for the simple reason that the petitioners had earlier filed quash petition for the very same relief and it was also dismissed as withdrawn. Though a second quash petition is maintainable, it cannot be mechanically entertained. The petitioners will have to demonstrate change of circumstances. In this case, there is no change in circumstance. Therefore, on account of the earlier dismissal of CrI.O.P.(MD) No.3443 of 2018 on 20.09.2019, I am not in a position to grant



relief. Leaving open the petitioner's defences and contentions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P (MD)No.2531 of 2022
and

Crl.M.P. (MD)No.1892 of 2022
25.04.2022

RD(19.05.2022) 2P 3C