



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.04.2022
CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.O.P(MD)No.8139 of 2022
and
Crl.M.P(MD)Nos.5488 and 5490 of 2022

1.Diwan Oli Mohamed @ Diwan Oli
2.Sardhar ... Petitioners/Accused Nos.1& 2

Vs.

1.The State represented by
The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.
(Presently Tenkasi District)
(Crime No.292 of 2018) ... 1st Respondent/Complainant

2.Siluvai Antony ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.454 of 2018 on the file of the Judicial Magistrate, Tenkasi and quash the same as illegal so far as the petitioners are concerned.

For Petitioners : Mr.K.Navaneetharaja
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Criminal Side)
for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.454 of 2018 on the file of the learned Judicial Magistrate, Tenkasi.

2.The learned counsel appearing for the petitioners would submit that the facts of the case are exactly similar to the case covered in the decision reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in the case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other** in batch of cases in **Crl.O.P(MD) No 7922 of 2019 dated 30.08.2019**



3.The learned Additional Public Prosecutor appearing for the first respondent would submit that the facts of the case are similar to the facts covered under the Judgment referred above.

4.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

5.Perused the materials on record.

6.The facts of this case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District]** dated 20.09.2018 and in case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD)No.7922 of 2019 dated 30.08.2019**. Accordingly, the proceedings in C.C.No.454 of 2018 on the file of the learned Judicial Magistrate, Tenkasi, is hereby quashed insofar as the petitioners alone and the Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate, Tenkasi.

2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.8139 of 2022

and

Crl.M.P(MD)Nos.5488 and 5490 of 2022

28.04.2022

SA(18.05.2022) 2P 4C