



WEB COPY



Crl.O.P.No.12314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12314 of 2023

1.Gopinath
2.Siva
3.Cinnasamy

...Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri.
Crime No.134 of 2020.

2.Rathina Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of the charge sheet in S.T.C.No.1509 of 2020 pending before the learned Judicial Magistrate No.1, Dharmapuri and quash the same as illegal.

For Petitioners : Mr.I.Hemnaag

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition is filed to call for the records of the charge sheet in S.T.C.No.1509 of 2020 pending before the learned Judicial Magistrate No.1, Dharmapuri and quash the same as illegal.

2. Learned counsel for the petitioners submitted that, the Government has passed an Order withdrawing 5570 cases as per Annexure (I-V), G.O.Ms.No.368, Home (Courts-IV) Department, dated 04.09.2021. Of the cases withdrawn, First Information Report in Crime No.134 of 2020 registered by Dharmapuri Police Station under Sections 143 and 341 of IPC, which was later taken in file in STC.No.1509 of 2020 is also included. He further submitted that, this Court had passed an Order in Crl.O.P.No.2827 of 2021 quashing the proceedings against the co-accused namely Jaghankeer Basha @ Jahangir Basha. Thus, he prays for quashing the charge sheet in S.T.C.No.1509 of 2020 pending before the learned Judicial Magistrate No.1, Dharmapuri.

3. Learned Government Advocate (Criminal side) conceded that,



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Government has passed an Order in G.O.Ms.No.368, Home (Courts-IV)

Department, dated 04.09.2021 withdrawing 5570 cases, including this case.

4. In view of the withdrawal of the case by the Government in G.O.Ms.No.368, Home (Courts-IV) Department, dated 04.09.2021 and the fact that, this Court had quashed the charge sheet in S.T.C.No.1509 of 2020 against the co-accused in Crl.O.P.No.2827 of 2021, this Court is inclined to quash the proceedings in S.T.C.No.1509 of 2020 pending before the learned Judicial Magistrate No.1, Dharmapuri against the petitioners.

5. Accordingly, this Criminal Original Petition is allowed and the proceedings against the petitioners in S.T.C.No.1509 of 2020 pending before the learned Judicial Magistrate No.1, Dharmapuri is quashed.

02.06.2023

Internet :Yes
Index :Yes/No
gd

G.CHANDRASEKHARAN, J.



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To:

- 1.The Judicial Magistrate No.1,
Dharmapuri.
- 2.The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri.
- 3.The Public Prosecutor,
High Court of Madras.

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