



Crl.O.P.No.16203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16203 of 2023
and Crl.M.P.No.10233 of 2023**

Vajru @ Vajrudeen

.. Petitioner

Versus

**1. State, rep by Inspector of Police,
Nellikuppam Police Station,
Cr.No.1434 of 2004.**

2. Arokiaraj

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Preliminary Register Case in P.R.C.No.31 of 2011 pending on the file of the Court of the Judicial Magistrate No.I, Cuddalore and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.Abu Backer Sidhic

**For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
for R1**



Crl.O.P.No.16203 of 2023

ORDER

On the consent given by either side, the main petition itself has been taken for final hearing since the matter is squarely covered by the earlier order passed by this Court in Crl.O.P.No.28114 of 2019, dated 21.11.2019.

2. This petition has been filed seeking to quash the proceedings in P.R.C.No.31 of 2011, pending on the file of the learned Judicial Magistrate No.I, Cuddalore. The petitioner has been arrayed as A15 in this case.

3. It is seen from records that originally, there were 26 accused persons including the petitioner herein. The case was split-up and was committed to the Sessions Court, Cuddalore insofar as A1, A2, A3, A5, A7, A8, A9, A10, A11, A12, A16, A17, A19, A20, A22, A25 and A26 are concerned and it was assigned S.C.No.241 of 2011. After full-fledged trial, all the accused persons were acquitted from all charges.

4. On an earlier occasion, one of the accused person, who was arrayed as A13, approached this Court to quash the same proceedings. This Court, after taking into consideration the fact that the said accused person was in a



Crl.O.P.No.16203 of 2023

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similar footing as that of A9, A11 and A12 was pleased to quash the proceedings by an order dated 21.11.2019.

5. In the present case, the petitioner, who has been arrayed as A15, is placed in the same footing like that of A16 and A17 and those two accused persons were acquitted from all charges by virtue of the judgment passed in S.C.No.241 of 2011.

6. The earlier order passed by this Court in Crl.O.P.No.28114 of 2019 wherein the entire law on this issue was discussed by this Court, will enure to the benefit of the petitioner also.

7. In view of the above, this Court is of the considered view that the petitioner need not go through the ordeal of facing a trial more particularly since the petitioner is also in the similar footing as that of A16 and A17.

8. In the result, the proceedings in P.R.C.No.31 of 2011 pending on the file of the learned Judicial Magistrate No.I, Cuddalore is hereby quashed



Crl.O.P.No.16203 of 2023

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and this Criminal Original Petition is allowed accordingly. Consequently,
connected miscellaneous petition is allowed.

19.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Public Prosecutor,
High Court of Madras.
2. The Inspector of Police,
Nellikuppam Police Station,
Cr.No.1434 of 2004.
3. The Judicial Magistrate No.I,
Cuddalore.



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Crl.O.P.No.16203 of 2023

N.ANAND VENKATESH, J.
grs

Crl.O.P.No.16203 of 2023
and Crl.M.P.No.10233 of 2023

19.07.2023