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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.30437 of 2022
and Crl.MP.Nos.18639, 18640/2022 and 1472 of 2023

K.K.Sivakumar (M/A-54 years)
S/o.A.s.Krishnaswamy

.. Petitioner /Accused-2

.Vs.

1.The State Rep.by
The Inspector of Police
Central Crime Branch
EDF-I, Team-II
Vepery, Chennai 600 007.

..1st Respondent/Complainant

2.Ravichandran (M/A-48 years)
S/o.Late Ramachandran

.. 2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.20 of 2020, pending on the file of the learned Additional Special Judge for Trial cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu and quash the same as against this petitioner.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1

ORDER



This petition has been filed to quash the proceedings in C.C.No.20 of 2020, pending on the file of the Additional Special Judge for Trial cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu

2. Heard Mr.R.Vivekananthan, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for R1.

3. This Court dealt with the quash petition of A4 in CrI.OP.No.2913 of 2019 and for proper appreciation, the relevant portions in the order are extracted hereunder:

"2. When the matter is taken up for hearing today, it is brought to the notice of this Court that A1 and A5 had compromised the dispute with the second respondent and based on the same, the proceedings in C.C.No.1972 of 2014 was quashed.

3. It is only as against A1, the main allegations were made in the final report. If A1 has compromised the dispute with second respondent and the proceedings have been quashed with respect to A1, there is no reason to continue the proceedings as against the petitioner who has been arrayed as A4. In so far as the petitioner is concerned, she had studied in the Nursing Course under the sponsorship offered by A1 and the petitioner had also acted as a Lecturer. The financial support was given by A1, and the amount was also deducted from the salary of the petitioner when she was serving as the Lecturer during the period



2001-2005, the petitioner has been made as an accused only on the ground that her name has been found to be one of the Director of Cheran Properties Limited and Vasanta Mills Limited. Except this, no specific overt-act has been attributed against the petitioner.

4. In the light of the above discussion, the continuation of the criminal proceedings as against the petitioner will amount to an abuse of process of Court which requires the interference of this Court under section 482 Cr.P.C. Accordingly, the proceedings in C.C.No.20 of 2020 on the file of the learned Additional Special Judge for Trial of Cases related to Members of Parliament and Members of Legislative Assembly of Tamilnadu, is quashed insofar as the petitioner is concerned.

5. In the result, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is also closed.”

4.The petitioner in the present case has been ranked as A.2. Even in the compromise that was entered into by the de facto complainant with A1 and A5, he has stated that the continuation of the criminal proceedings as against the accused persons in C.C.No.20 of 2020, would be an abuse of process of Court. In view of the same, since the proceedings have been quashed for the main accused persons viz; A1 and A5 and the same was followed while quashing the proceedings for A4, the benefit must be also enure to the petitioner, who has been arrayed as A2.



5. In the result, this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

27.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



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To

1. The Inspector of Police
Central Crime Branch
EDF-I, Team-II
Vepery, Chennai 600 007.
2. Additional Special Judge for Trial cases
related to Members of Parliament
and Members of Legislative Assembly
Tamil Nadu.
3. The Public Prosecutor,
Puducherry.



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N. ANAND VENKATESH, J.

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