



CrI.O.P.No.28743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2023

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.28743 of 2023

1. R.Senthil.

... Petitioner/Accused
/versus/

1. State Rep. By,
Sub Inspector of Police,
Barur Police Station,
Pochampalli Taluk,
Krishnagiri District.

... 1st Respondent/Police.

2. Muniappan.

... 2nd Respondent/ defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., pleased to call for the records and quash the proceedings in C.C.No.66 of 2018, pending on the file of District Munsif cum Judicial Magistrate Court at Pochampalli, Krishnagiri District.

For Petitioners : Mr.M.G.Jayaseelan

For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side).



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ORDER

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The petitioner herein is split up accused in Crime No.269 of 2011 on the file of Barur Police Station, Pochampalli Taluk, Krishnagiri District. The final report against five accused filed for the offences under Section 147, 148, 294(b) of I.P.C. As against A2 for the offences under Sections 147, 148 and 506 (ii) of I.P.C, final report was filed in which this petitioner is shown as absconding accused. The case against him was split up. Against the remaining accused, charges were framed and ended in acquittal. Now, the petitioner herein wants to quash the split up case in C.C.No.66 of 2018 in split up case, drawing parity with the other accused.

2. From the reading of the material available, it indicates that, though common charges under Sections 147 & 148 of I.P.C against all the accused is framed, there are individual charges under Section 323, 324, 325 & 506(ii) of I.P.C attributing to each of the accused. Whether the evidence recorded is sufficient to decide the case against this petitioner and absconding accused has to be considered by the trial Court. Under Section 482 of Cr.P.C., drawing parity of the acquitted accused alleged charge under Sections 147, 148, 294(b), 323, 324, 325 and 506(ii) of I.P.C cannot be superficially considered.

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3. Hence, the ***Criminal Original Petition is disposed of*** directing the petitioner herein to appear before the trial Court and participate in the trial. The trial Court shall consider the evidence and material available with the charges framed against this petitioner and proceed in accordance with law, taking note of the acquittal of the other co-accused in the main case.

22.12.2023

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm

Copy to:-

1. The Sub Inspector of Police,
Barur Police Station,
Pochampalli Taluk,
Krishnagiri District.
2. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN, J.

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