



Crl.O.P.(MD)No.4453 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4453 of 2023

and

Crl.MP(MD) Nos. 3934 and 3935 of 2023

1. Nakshtra Kannan @ Kannan
2. Rajasekaran @ Raja

... Petitioners

Vs.

1. State through
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
In Crime No. 303 of 2014

2. Vijayabharathi
D/o. Sri Ramaselvan
Sudalaikovil Street,
Maadanpillai Dharmam,
Tirunelveli District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned charge sheet in C.C.No.285 of 2016 on the file of the learned Judicial Magistrate, Valliyoor and quash the same.

For Petitioner
For R1

: Mr.V. Malaiyendran
: Mr.S. Manikandan
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.(MD)No.4453 of 2023

ORDER

This petition is filed to call for the records relating to the impugned charge sheet in C.C.No.285 of 2016 on the file of the learned Judicial Magistrate, Valliyoor and quash the same.

2. The learned counsel for the petitioner submitted that the case has been split up against the petitioner in the year 2016 and thereafter, no process has been made in the trial process. He further submitted that this petition has been filed mainly on the ground that after completing the entire trial process, the co-accused was acquitted by the JJB, Tirunelveli.

3. A perusal of records shows that the defacto complainant was examined as P.W.1 and he turned hostile. The police officials only supported the case of the prosecution. Since P.W.1 turned hostile and he did not support the prosecution, the benefit of the above said order be extended to this petitioner, also.

4. In the result, the Criminal Original petition is allowed and the charge sheet in C.C.No.285 of 2016 on the file of the learned Judicial Magistrate, Valliyoor, is quashed as against the petitioner also, since he is also standing in



Crl.O.P.(MD)No.4453 of 2023

the very same footing. Consequently, the connected miscellaneous petitions are closed.

09.03.2023

Index : Yes/No
Internet: Yes/No
tta

To

1. State through
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

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



WEB COPY



Crl.O.P.(MD)No.4453 of 2023

G.ILANGO VAN, J.,

tta

Crl.O.P.(MD)No.4453 of 2023

09.03.2023