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Crl.O.P.(MD)No.6729 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.6729 of 2023
and Crl.M.P.(MD).Nos.5854 & 5856 of 2023

1. J.Abdul Samadu,
2. H.Peer Mohideen @ Peerappar,
3. H.Amjad Pakkir Mohideen, ... Petitioners

Vs.

- 1.The Inspector of Police,
Kayathar Police Station, Thoothukudi.
Crime No. 366 of 2012.
- 2.Muthu Krishnan,
Sub Inspector of Police,
Kayathar Police Station, Thoothukudi. ... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C No. 333 of 2013 on the file of the Learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District in Crime No. 366 of 2012 on the file of the respondent police and quash the same.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.B.Nambiselvan



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Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking to quash the charge sheet in C.C No. 333 of 2013 on the file of the Learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District in Crime No. 366 of 2012 on the file of the respondent police.

2.Claiming benefit of quashment, which was granted in favour of one of the accused namely Alaudhin @ Sheik Alaudhin, A2, in Crl.O.P. (MD).No.6342 of 2022, These petitioners, who are arrayed as accused Nos.4, 5 & 7 have filed this petition. The learned counsel for the petitioners submitted that these petitioners are standing in the very same footing like that of the second accused.

3.Since the facts of the case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Crl.) 606 (Jeevanandham and Others and The Inspector of Police, Velayuthampalayam Police Station, Karur Distict), dated 20.09.2018 and in case of Sri Raja Vs. Inspector of Police, Sivakasi Town Police Station Virudhunagar District and Other in batch of cases in Crl.O.P. (MD).No.7922 of 2019, dated 30.08.2019**, the proceedings pending



against the second accused before the trial Court was quashed by this Court.

4.Since the petitioners are standing on the very same footing, the very same benefit shall stand extended to them also.

5.Accordingly, this criminal original petition is allowed. The proceedings in C.C.No.333 of 2013 on the file of the Learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District in Crime No. 366 of 2012 on the file of the respondent police, is hereby quashed in respect of these petitioners. Consequently, connected miscellaneous petitions are closed.

12.04.2023

Index : Yes/No
Internet : Yes/No
TM

To

- 1.The Inspector of Police,
Kayathar Police Station, Thoothukudi.
Crime No. 366 of 2012.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN. J.

TM

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