



Crl.O.P(MD).No.15604 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.15604 of 2020

and

Crl.M.P.(MD)No.7636 of 2020

Sebastian

...Petitioner

Vs

State represented by

1.The Inspector of Police,
Kallakudi Police Station,
Kallakudi,
Trichy District.
(Crime No.181 of 1993)

2.Pitchairaj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the PRC No.10 of 2000 on the file of the learned Judicial Magistrate, Lalgudi and quash the same in respect of the petitioner.

For Petitioner

: Mr.N.Anandakumar

For 1st Respondent

: Mr.M.Sakthikumar

Government Advocate (Crl. Side)

ORDER

This petition is filed to quash the charge sheet in PRC No.10 of 2000, on the file of the learned Judicial Magistrate, Lalgudi.



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2. According to the petitioner, based on the complaint given by the second respondent, the first respondent registered FIR in Crime No.181 of 1993 on the file of the first respondent dated 13.02.1993 for the offence under Sections 3(1)(X) and 3(1)(XI) of the SC/ST Act (Prevention of Atrocities Act).

3. According to the prosecution case, the petitioner was arrayed as A1. Since the petitioner was not appeared before the trial Court, the case against the petitioner was split up. On 12.02.1993, at about 06.30 a.m., when the second respondent returned from tea stall, the petitioner herein and one Rajaiya came there and abused the caste name and filthy language and attacked him with their footwear. When the same was questioned by the second respondent, again the petitioner assaulted him and his mother. Therefore, the aforesaid FIR has been registered.

4. In fact the petitioner is innocent and no way connected with the offence. Due to wordy quarrel between the petitioner and the second respondent with regard to payment of agricultural coolie, false complaint has been lodged. After investigation, charge sheet also filed before the learned Judicial Magistrate, Lalgudi and the petitioner went abroad for his avocation.

Hence, NBW was issued and pending against him. In the meantime, the case



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against Rajaiya, one of the accused was split up and committed to II Additional District Judge(PCR), Trichy. He was acquitted by the trial Court on 08.04.1999. Now the petitioner is unable to get the copy of the judgment of acquittal for the co-accused, since the entire records were missing because of bifurcation of Trichy district into Perambalur and Ariyalur Districts. Thereafter, the petitioner appeared before the trial Court and NBW was cancelled and the case is still pending before the Court from the year 2015, without any progress. Therefore, the pending P.R.C.No.10 of 2000 is liable to be quashed.

5.No counter was filed by the respondents.

6.The learned counsel appearing for the petitioner would contend that this petitioner has been arrayed as A1 in Crime No.181 of 1993 based on the complaint given by the second respondent. Thereafter, the matter was investigated by the police and filed final report. In the mean time, the petitioner went to abroad and NBW is issued and pending for long time. The case was split up as against this petitioner. The case against Rajaiah was committed to II Additional District Judge, PCR, Trichy which was ended in acquittal through judgment dated 08.04.1999. Thereafter, due to bifurcation of Districts Trichy to Perambalur and Ariyalur, the records were misplaced and



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still the records were not traced out by the concerned Courts. This petitioner appeared before the trial Court and NBW issued against him was also cancelled and the petitioner is appearing before the trial Court from the year 2015 onwards. Since the main case as against co accused was disposed of by acquitting the co-accused and this petitioner's case is pending without any progress and the same is liable to be quashed.

7.The learned Government Advocate appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered FIR. The case is pertaining to the year 1993. Now due to efflux of time, they are unable to trace out the case records. Already the case against co-accused was also ended with acquittal. The defacto complainant also died on 10.06.2022. To that effect, the learned Government Advocate has produced a copy of the death certificate. He requested this Court to pass suitable orders.

8.This Court heard both sides and perused the materials available on record.

9.On perusal of records, it is observed that FIR has been registered in the year 1993 for the offence under Sections Sections 3(1)(X) and 3(1)(XI) of



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the SC/ST Act (Prevention of Atrocities Act) as against this petitioner and other accused. This petitioner was arrayed as A1 and case against A2 was already ended in acquittal. This Court also called for the report from the learned Judicial Magistrate and learned II Additional District Judge, PCR Court, Trichy.

10.The report of the learned Magistrate reveals that already the case against one Rajaiah was committed to II Additional District Judge and the case against this petitioner was split up and the main case was disposed of on 08.04.1999. The trial Court ordered to sent the pending case records before the committal Court. But due to non availability of records, the committal Court is not able to send the records. Already NBW was issued against this petitioner and now NBW was cancelled. Already the learned Magistrate has taken steps to get the original records. But for more than eight years, the case is pending before committal Court for calling for the records.

11.The learned counsel appearing for the respondent also submitted that no records found in their file and still they are searching the records. During bifurcation of District of Trichy and Perambalur, the records were misplaced.



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12.The date of occurrence is in the year 1993 and already case against co accused was acquitted by the trial Court and no appeal was filed as against the judgment of the trial Court and now the defacto complainant also died and the case file records also misplaced and untraceable. While so, after 30 years from the date of occurrence, and after the demise of defacto complainant without any records there cannot be any fruitful result and no purpose would serve by pending proceedings.

13.Taking into consideration of date of FIR i.e., in the year 1993 and already co-accused was acquitted by the trial Court and now without any progress, the case is pending for more than 8 years and no records available to proceed with the case further. It is appropriate to quash the proceedings.

14.In view of the above, this Criminal Original Petition is allowed and the pending charge sheet in PRC No.10 of 2000, on the file of the learned Judicial Magistrate, Lalgudi, is hereby quashed as against the petitioner. Consequently, connected miscellaneous petition is closed.

21.09.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

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To

- 1.The Judicial Magistrate, Lalgudi.
- 2.The Inspector of Police,
Kallakudi Police Station,
Kallakudi,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

Mrn

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