



Crl.O.P(MD)No.19285 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.OP(MD)No.19285 of 2018

Mohamed Ismail

... Petitioners/3rd Accused

VS.

1.The Inspector of Police,
Thandikudi Police Station,
Dindigul District.
(Crime No.41 of 2011)

... 1st Respondent/Complainant

2.Ismail

... 2nd Respondent/Proposed Accused

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the charge sheet in C.C.No.130 of 2011 on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal, in Crime No.41 of 2011 and set aside the same and consequently direct the respondent to conduct fresh investigation in Crime No.41 of 2011.



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For Petitioner : Mr.S.Muniyandi

For R1 : Mr.M.Muthumanikkam
Government Advocate (Criminal side)

ORDER

This petition has been filed to quash the proceedings in C.C.No.130 of 2011 pending on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal.

2. From the records, it is seen that one Mr.N.Jeyaseelan, Son of Navaraj, No.80, Kavalan Kudiyirupu, Anna Salai, Kodaikanal, is the complainant and now, it is reported that he died. This case was taken up for final hearing and the learned counsel for the petitioner makes a submission that the petitioner was implicated in the above case by mistaken identity and also even assuming that he is arrayed as accused in the charge sheet, there was no specific averment against him in the final report.



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3. This Court, without going to the merits of the submission made with regard to the identity and on perusal of the final report along with the material annexed in the final report, namely, Section 161 Cr.P.C statement and other documents, do not find any averment against the petitioner to constitute the offence against him. Hence, this Court is inclined to quash the proceedings against the petitioner alone in the above C.C.No.130 of 2011 and accordingly, it is quashed. Insofar as the remaining accused persons are concerned, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

4. With the above direction, this criminal original petition is allowed.

08.03.2023

PJL



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K.K.RAMAKRISHNAN, J.

PJL

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