



Crl.O.P(MD)No.15797 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P(MD)No.15797 of 2023

and

Crl.M.P(MD)Nos.12566 and 12238 of 2023

1.Yesudurai

2.Manikandan

... Petitioners / Accused Nos.2 and 4

Vs.

1.State represented by

The Sub-Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.229 of 2018)

2.R.Senthilkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records in connection with the charge in S.T.C.No. 2302 of 2019 on the file of the Judicial Magistrate, Paramakudi and quash the same in so far as the petitioner concerned.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.M.Vaikkam Karunanithi
Additional Public Prosecutor



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ORDER

The Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records in connection with the charge in S.T.C.No. 2302 of 2019 on the file of the Judicial Magistrate, Paramakudi and quash the same in so far as the petitioner concerned.

2. Learned counsel for the petitioner submitted that the petitioner is relying upon the order of this Court made in Crl.O.P.(MD)No.4725 of 2023 dated 16.03.2023, filed by the third accused Vinothkumar. The following observation has been made in the order in paragraph Nos.5 and 6 :

" 5. Even though the final report was filed within the period limitation, perusal of records shows that the above said flex board was not recovered and no witness was also examined to show the recovery. Even if we take that the above said offence has been committed by the accused persons, in the absence of recovery of flex board, even if the trial is ordered to be undertaken, there is no chance for conviction.

6. More-over, another important factor is that the place in which the above said flex board was put up is



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neither mentioned in the complaint nor in the final report.

No material has been collected during the course of investigation to show the place of occurrence. On that ground also, this petition is liable to allowed."

3. The petitioner is also standing in the very same footing. On that ground, the proceedings in S.T.C.No.2302 of 2019 on the file of the Judicial Magistrate, Paramakudi, is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

10.10.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

1.The Judicial Magistrate, Paramakudi.

2.The Sub-Inspector of Police, Paramakudi Town Police Station,
Ramanathapuram District. (Crime No.229 of 2018)

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

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G.ILANGO VAN, J

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Order made in
Crl.O.P(MD)No.15797 of 2023

Dated 10.10.2023