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Crl.O.P.No.4046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4046 of 2024

And

Crl.M.P.No.3001 of 2024

Ajithkumar

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Parangipettai Police Station,
Cuddalore District.
(Crime No.13 of 2018)

2.Sakthi Balagan

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash the charge sheet in S.C.No.236 of 2019 pending on the file of the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District as for the petitioner is concerned.

For Petitioner : M/s.G.Pugazhenth
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)

O R D E R

The criminal original petition has been filed seeking to quash the



CrI.O.P.No.4046 of 2024

proceedings in S.C.No.236 of 2019 pending on the file of the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District.

2.Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI. Side).

3.The case of the prosecution is that on 14.01.2018 at about 10.00 p.m., the defacto complainant and one Selvarajan were on duty. On that day, the accused persons seem to have come to the place and there was some wordy quarrel. Hence, an F.I.R. came to be registered in Crime No.13 of 2018 by the first respondent for the offence under Sections 294(b), 427, 506(1) of I.P.C. On completion of investigation, the final report was filed as against four accused persons and the learned Magistrate had taken the final report on file in P.R.C.No.15 of 2018 for offence under Sections 294(b), 427, 506(1) of I.P.C. and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act. Thereafter, the matter was committed to the Court of Sessions and the same was made over to the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District and it was numbered as S.C.No.188 of 2018.

2/5



CrI.O.P.No.4046 of 2024

4.The petitioner did not appear during the hearing before the Court and therefore, the case was split up and the case was tried in S.C.No.188 of 2018 as against A2 to A4. In respect of the petitioner, the split up case was numbered as S.C.No.236 of 2019. A2 to A4 underwent trial before the Court below and the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District by judgment dated 01.10.2019 acquitted A2 to A4 from all charges.

5.The petitioner (A1) has approached this Court seeking for parity on the ground that the same reasoning that was given to A2 to A4 will equally apply to the petitioner also. Therefore, the petitioner has sought for quashing the proceedings in S.C.No.236 of 2019 on the file of the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District.

6.On carefully going through the judgment passed by the II Additional District and Sessions Judge, Chidambaram, Cuddalore District, it is seen that the prosecution was not able to prove the case beyond reasonable doubt as against A2 to A4. While arriving at this conclusion, the trial Court has taken into consideration the evidence that was recorded from the witnesses. The very same reasoning will



CrI.O.P.No.4046 of 2024

enure in favour of the petitioner also and no useful purpose will be served in making the petitioner undergo trial before the Court below in the split up case in S.C.No.236 of 2019. The material that was relied upon by the trial Court is common to all the accused.

7.In the light of the above discussion, the proceedings in S.C.No.236 of 2019 on the file of the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District, is quashed and this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

23.02.2024

pri
Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The II Additional District and Sessions Judge,
Chidambaram,
Cuddalore District
- 2.The Inspector of Police,
Parangipettai Police Station,
Cuddalore District.
(Crime No.13 of 2018)
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

4/5



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Crl.O.P.No.4046 of 2024

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Crl.O.P.No.4046 of 2024
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