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Crl.O.P.No.27944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.27944 of 2024 and
Crl.M.P.No.15511 of 2024

1.Ayyanar
2.Thirumal
3.Devaraj
4.Kuppu

... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
Kedar Police Station,
Villupuram District.
(Crime No.147/2018).

2.Nadiya

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with 482 of Code of Criminal Procedure, to call for the records on the file of the Sessions Judge, Mahila Neethimandram (FTC Mahila Court) Villupuram in S.C.No.135 of 2020 and quash the criminal proceeding pending on the file of the Sessions Judge, Mahila Neethimandram (FTC Mahila Court) Villupuram in S.C.No.135 of 2020 as against the petitioners.



CrI.O.P.No.27944 of 2024

For Petitioners : Mr.V.Parthiban
For R1 : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.135 of 2020 pending on the file of the Sessions Judge, Mahila Neethimandram (FTC Mahila Court), Villupuram.

2.The learned counsel for the petitioners would submit that the FIR was originally launched against the petitioners and A1 for offences under Sections 147, 341, 506(ii), 417 and 376 of IPC; and that on investigation, the respondent Police filed a final report against A1 alone for offence under Sections 417 and 376 of IPC. However, the learned Magistrate had committed all the accused and the Sessions Court had framed charges for offence under Section 506(i) as against the petitioners. The Investigation Officer in his deposition had admitted that he had filed a report to delete the names of the petitioners from the final report. The learned counsel, however, would submit that inadvertently the Counsel has not pointed out this infirmity at the time of framing of charges.



Crl.O.P.No.27944 of 2024

3.Considering the fact that the witnesses have been examined, the case against the petitioners cannot be quashed at this stage though there is merit in the submissions made by the learned counsel for the petitioners. The Trial Court shall however consider the aforesaid points raised by the petitioners in the trial.

4.With the above observations, this Criminal Original Petition is dismissed. Consequently, connected criminal miscellaneous petition is closed.

08.11.2024

Index:Yes/No

Neutral Citation: Yes/No

Speaking Order/Non Speaking Order

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To

1.The Sessions Judge,
Mahila Neethimandram (FTC Mahila Court),
Villupuram.

2.The Inspector of Police,
Kedar Police Station,
Villupuram District.



WEB COPY



Crl.O.P.No.27944 of 2024

SUNDER MOHAN, J.

vv2

3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.27944 of 2024

08.11.2024