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Crl.O.P.No.20581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.(MD)No.20581 of 2024

and

Crl.MP.(MD) Nos.12703 & 12704 of 2024

V.P.Rajan
Former MLA

... Petitioner

Vs.

The Public Prosecutor,
Representing the Government of Tamil Nadu,
Pudukkottai.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the proceedings in Spl.S.C.No.1 of 2014 on the file of the Principal District and Sessions Judge, Pudukkottai and quash the same.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl.S.C.No.1 of 2014 on the file of the Principal District and Sessions Judge, Pudukkottai and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

3. Based on the complaint of the learned District Public Prosecutor, a case was registered as against the petitioner in Spl.S.C.No.1 of 2014 on the file of the Principal District and Sessions Judge, Pudukkottai. While the case was pending, the prosecutor filed a petition in Crl.M.P.No.3329 of 2022 before the Principal District and Sessions Court for withdrawal of the case in Spl.S.C.No.1 of 2014 quoting the Government Order in G.O.M.S.No.625 Public (Law and Order-H) Department dated 10.08.2021. The learned Sessions Judge, referring to the decision of the Hon'ble Supreme Court in the case of



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Ashwini Kumar Upadhyay Vs. Union of India dated 10.08.2021, dismissed the petition stating that as per direction of the Hon'ble Supreme Court in the M.P./M.L.A cases, the petition cannot be filed without the leave of the High Court .

4. Now the petitioner has filed the present petition to quash the case based on the abovesaid G.O. Already, G.O.Ms.No.625, supra, has been issued requesting the District Public Prosecutor to withdraw the case pending before the Special Court. In such view of the matter, the case filed as against the petitioner in Spl.S.C.No.1 of 2014 on the file of the Principal District and Sessions Court, Pudukkottai is quashed.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

29.11.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To
The Public Prosecutor,
Representing the Government of Tamil Nadu,
Pudukkottai.



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P.VELMURUGAN, J.

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