



Crl.O.P.(MD)No.1918 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.1918 of 2022

Kumar @ Chellamuthu Kumaran

... Petitioner

Vs.

1.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.111 of 2007)

2.M.Senthilmurugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC.No.6 of 2014 pending on the file of the learned Judicial Magistrate, Cheranmahadevi and quash the proceedings as against the petitioner/Accused No.17 concern.

For Petitioner : Mr.C.Saravanakumar

For R1 : Mr.S.Manikandan,
Government Advocate (Crl. Side)

For R2 : No Appearance



CrI.O.P.(MD)No.1918 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the proceedings in PRC.No.6 of 2014 pending on the file of the learned Judicial Magistrate, Cheranmahadevi as against the petitioner herein.

2.The case of the prosecution is that the second respondent/defacto complainant is the lessee of the agricultural garden belongs to one Sankari, situated at Vadakku Ariyanayagipuram Village. On 17.06.2007, at about 22 hours, the defacto complainant and his friend were standing in front of the said garden office, at that time, the petitioner and other accused persons armed with deadly weapons, trespassed the said garden and tried to attack the defacto complainant with aruval. That apart, the accused persons damaged the two wheelers and also taken Rs.1,22,000/-. Hence, the defacto complaint preferred a complaint, based on which, a case in Cr.No.111 of 2007 was registered. After completion of the investigation, the first respondent police filed charge sheet, which was taken on file in PRC.No.6 of 2014 by the learned Judicial Magistrate, Cheranmahadevi. Challenging the same, the present petition came to be filed.



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3.The learned counsel appearing for the petitioner would submit that the petitioner herein is arrayed as A17. He would further submit that trial in this case completed and the same was ended in acquittal in respect of A1 to A16 & A20. When the case was ended in acquittal as against the main accused itself, there is no need to the petitioner for facing trial. Hence, he prayed to quash the proceedings in PRC.No.6 of 2014 pending on the file of the learned Judicial Magistrate, Cheranmahadevi.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that after filing of charge sheet, the case was split up as against A1 to A16 & A20 and trial was conducted in S.C.No.254 of 2014. He would fairly admit that the case in S.C.254 of 2014 was ended in acquittal. He would further submit that now PRC.6 of 2014 was committed and the same was taken on file in S.C.No.308 of 2003 by the learned 4th Additional District and Sessions Judge, Tirunelveli.



CrI.O.P.(MD)No.1918 of 2022

5.On perusal of records reveals that the case was ended in acquittal as against the main accused itself. The petitioner herein is arrayed as A17 and there is no allegations made out as against him. All those allegations are already put into trial and the same was disproved. Therefore, forcing the petitioner to face the trial is an unnecessary exercise. Accordingly, this Court is inclined to quash the proceedings pending as against the petitioner.

6.In the result, the proceedings in S.C.No.308 of 2003 pending on the file of learned 4th Additional District and Sessions Judge, Tirunelveli is hereby quashed and this criminal original petition is allowed.

30.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To



CrI.O.P.(MD)No.1918 of 2022

- 1.The 4th Additional District and Sessions Judge,
Tirunelveli.
- 2.The Judicial Magistrate,
Cheranmahadevi.
- 3.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.1918 of 2022

M.DHANDAPANI,J.

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CrI.O.P.(MD)No.1918 of 2022

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