



1 *Crl.O.P.(MD) No.15505 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2024

CORAM:

**THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN**

Crl.O.P(MD). No.15505 of 2020

Murugan

... Petitioner/Accused No.2

Vs.

The Inspector of Police,

Abiramam Police Station (Crime)

Ramanathapuram District.

(Crime No.124 of 2009)

... Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to P.R.C.No.16 of 2016 on the file of the District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District in Crime No.124 of 2009 on the file of the respondent, and quash the same as against this petitioner is concerned.



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For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.E.Antony Sahaya Prabahar,

Additional Public Prosecutor

### **ORDER**

The petitioner/Accused No.2 has filed this petition to quash the proceedings in P.R.C.No.16 of 2016 on the file of the District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District, in Crime No.124 of 2009 on the file of the respondent.

2.In this case, the petitioner is arrayed as Accused No.2 in P.R.C.No.16 of 2016. The prosecution registered the case against three persons with allegation that on 30.10.2009, at about 01.30 p.m., when the defacto complainant/driver was driving the bus of the Tamil Nadu State Transport Corporation from Paramakudi to Pasumpon, the petitioner along with two others pelted stones on the wind screen of the bus and caused damage to the tune of Rs.3,000/-. Hence, the respondent Police registered a case in Crime No.124 of 2009 for the offence under Sections 3(1) of TNPPDL Act. After completion of the investigation, the



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respondent Police filed a final report and the same was taken on file in P.R.C.No.16 of 2016. At that point of time, since the accused persons were absconding, the case was split up and A3 alone faced trial in S.C.No.157 of 2016. The learned Additional District Judge, (FTC), Paramakudi, by judgment, dated 30.10.2009, after considering the entire evidence on record, acquitted A3 on the ground that the prosecution has not proved the case beyond reasonable doubt. Thereafter, this Court by order dated 27.09.2018, in Crl.O.P.No.1310 of 2018, quashed the proceedings in P.R.C.No.16 of 2016 pending on the file of the District Munsif Cum Judicial Magistrate, Kamuthi, Ramnad District, as against A1.

3.The learned counsel appearing for the petitioner would submit that in view of the above quashment and acquittal against the remaining accused, there is no other material is available against the petitioner to proceed further. Hence, he seeks to quash the proceedings in P.R.C.No. 16 of 2016 on the file of the District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District.



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4.The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, affirmed the acquittal and quashing and stated that there is some allegation against the petitioner. The same is to be looked into by the learned trial Judge. Hence, he seeks to dismiss this petition.

5.This Court considered the rival submission made on either side and also perused the records and the acquittal order passed by this Court and trial Court.

6.According to the prosecution, the petitioner and other two accused were said to have caused damage to the wind screen of the bus and the same had taken place on 30.10.2009 at about 01.30 p.m. All the accused said to have jointly caused damage to the bus. The learned trial Judge has conducted separate trial in respect of A3 alone in S.C.No.157 of 2016. Thereafter, one another accused namely, A1 filed quash petition in Crl.O.P.(MD).No.1310 of 2018 to quash the proceedings in P.R.C.No. 16 of 2016. This Court allowed the same. As rightly pointed out by the learned counsel for the petitioner that the petitioner is also entitled to the benefit of the same. Hence, this Court is inclined to quash the



proceedings in P.R.C.No.16 of 2016 on the file of the District Munsif  
Cum Judicial Magistrate, Kamuthi, Ramanathapuram District.

7. Accordingly, this criminal original petition is allowed by  
quashing the proceedings in P.R.C.No.16 of 2016 on the file of the  
District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram  
District, as against this petitioner/A2.

**06.02.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
vsg

To

1. The District Munsif Cum Judicial Magistrate,  
Kamuthi, Ramanathapuram District.
2. The Inspector of Police,  
Abiramam Police Station (Crime)  
Ramanathapuram District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**K.K.RAMAKRISHNAN, J.**

*vsg*

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