



Crl.O.P.(MD)No.10668 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.10668 of 2022

Umasankar

... Petitioner

Vs.

1.The Sub Inspector of Police,
East Police Station, Kumbakonam,
Tanjore District.

2.R.Surendran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.01 of 2008 on the file of the Judicial Magistrate No.2, Kumbakonam, quash the same as against the petitioner accused No.2 herein.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate for R1



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ORDER

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This petition has been filed to quash the proceedings in C.C.No.1 of 2008 pending on the file of the learned Judicial Magistrate No.II, Kumbakonam.

2.The case of the prosecution is that on 21.11.1997, the property belonging to one Sankaran was dealt with through impersonation and creation of forged documents by the accused persons and those documents were given as security for the tractor loan that was obtained by the accused persons from the society. The FIR was investigated and a police report was filed before the learned Judicial Magistrate No.II. Kumbakonam, as against two accused persons. The petitioner was shown as A2. The case against the petitioner was split up as C.C.No.1 of 2008 and the case proceeded as against A1 for charges framed for offences under Sections 463, 461, 467, 419 read with Section 120(b) of IPC.



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3.The first accused underwent trial before the learned Judicial Magistrate, Kumbakonam and the prosecution examined seven witnesses and exhibits P1 to P4 were marked to substantiate the charges. Ultimately, the trial Court came to a conclusion that the charges have not been proved against A1 and accordingly by judgment dated 29.10.2015, A1 was acquitted from all charges.

4.The petitioner, who is A2 and whose case was split up, has approached this court seeking for quashing the pending proceedings.

5.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the first respondent.

6.This Court carefully went through the judgment passed by the learned Judicial Magistrate, Kumbakonam. The findings that have been rendered by the learned Judicial Magistrate will equally apply to the case of the petitioner also. This is in view of the fact that the accused persons are said to have entered into a criminal conspiracy to commit the



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other offences under IPC.

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7.The law on this issue is now too well settled. Useful reference can be made to the judgment of this Court reported in ***Thamilendi v. State by Inspector of Police, Orathanadu Police Station, Thanjavur District (Crime No.58 of 1991) and another***, reported in ***2008 (2) CTC 153*** and also the judgment in reported in ***Chinnappa @ Mahendran Vs. The State Rep. By the Inspector of Police, Orathanadu Police Station, Thanjavur District***, reported in ***2015 1 Madras Weekly Notes (Crl.) 259***. This court in no uncertain terms has held that where a case has been split up and the persons who underwent trial were acquitted from all charges on the ground that the prosecution failed to make out a case, no useful purpose will be served by making the co-accused undergo trial if the evidence as against all the accused persons is inseparable and indivisible.

8.The above judgment will squarely apply to the facts of the present case. Whatever is the evidence available as against A1 will equally apply to A2 also and evidence is inseparable and indivisible.



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Hence, no useful purpose will be served in making the petitioner undergo the ordeal of trial. In fact, the continuation of the criminal proceedings will result in abuse of process of law.

9.In the light of the above discussion, the proceedings in C.C.No.1 of 2008 on the file of the learned Judicial Magistrate No.II, Kumbakonam, is hereby quashed and the Criminal Original Petition stands allowed.

26.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

- 1.The Sub Inspector of Police,
East Police Station, Kumbakonam,
Tanjore District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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