



CRL.OP(MD) NO.3307 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.3307 of 2025

and Crl.M.P(MD) No.2271 of 2025

Chakkammathurai Alias Thurai

... Petitioner

Vs

1. The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Puliyankudi Police Station,
Tirunelveli. (Crime No. 323 of 2010).

2. Kottairaj

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the entire records pertaining to the proceedings in C.C. NO. 74 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Sivagiri tenkasi and quash the same as far as the petitioner is concerned.

For petitioner :Mr.R.L.Dilipan Pandian

For R1 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl side)

For R2 : Mr.K.Sankar



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ORDER

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This petition has been filed by the petitioner to quash the proceedings in C.C. NO. 74 of 2023, on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri, Tenkasi District as against the petitioner.

2.The learned counsel for the petitioner would submit that based on the complaint given by the 2nd respondent, a case has been registered by the 1st respondent in Cr.No.323 of 2010. After completion of investigation, final report was filed before the District Munsif cum Judicial Magistrate Court, Sivagiri and the same was taken cognizance as CC No.199 of 2018. Due to the absence of the petitioner, who is arrayed as A4, the case was split up as against the petitioner in CC No.74 of 2023. Thereafter, the mother case in CC No.199 of 2018 has ended in acquittal, after trial. The case against the petitioner in CC No.74 of 2023 is pending. Now, the second respondent also filed an affidavit saying that he has no objection to quash the proceedings against the petitioner. Even as per FIR, there are no allegations as against the petitioner and no material to proceed the case against the petitioner. Hence this petition has been filed to quash the proceedings.



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3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the complaint given by the second respondent, a case has been registered in Cr.No.323 of 2010. Thereafter, charge sheet was filed and the same was taken on file in CC No. 199 of 2018. Due to non-appearance of the petitioner, the case against the petitioner was split up and the mother case was ended in acquittal, vide Judgment, dated 17.03.2023. Since the case against the petitioner was split up from the mother case and now the petitioner is facing trial. However, the defacto complainant/2nd respondent himself had appeared before this Court and stated that he has no objection to quash the proceedings and also filed an affidavit to that effect. Therefore, this Court may pass appropriate orders.

4.This Court heard the learned counsel appearing on either side and perused the materials.

5.This petition has been filed to quash the proceedings in CC No. 74 of 2023 pending on the file of District Munsif cum Judicial Magistrate Court, Sivagiri.



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6.In the earlier hearing on 07.03.2025, the second respondent appeared before this Court and stated that he has no objection to quash the proceedings. To that effect, today, the second respondent also filed an affidavit before this Court.

7.Already the mother case in CC 199 of 2018 has ended in acquittal and now the second respondent also has no objection to quash the proceedings. Even as per the records, there are no specific allegations against the petitioner. Since the mother case has ended in acquittal and the second respondent has no objection to quash the proceedings as against the petitioner and conduct of trial is only a futile exercise and if any trial is conducted, the same is only an empty formality.

8.In view of the same, this Court is inclined to allow the petition, by recording the affidavit of the defacto complainant/2nd respondent. Accordingly, this petition is allowed and the pending proceedings in CC No.74 of 2023 on the file of District Munsif cum Judicial Magistrate Court, Sivagiri is quashed as against the petitioner is



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concerned. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM

To

1.The District Munsif cum Judicial Magistrate Court, Sivagiri

2.The Inspector of Police,
Puliyankudi Police Station,
Tirunelveli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

PNM

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