

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WEB COPY

Cr1.O.P. (MD)No.10548 of 2015**and****M.P. (MD)Nos.1 and 2 of 2015**1.C.Ponraj
2.Jeyarathi

.. Petitioners

Vs.

1.The Deputy Superintendent of police,
District Crime Branch,
Kanyakumari District.

2.Ramabai

.. Respondents

Petition filed under Section 482 of the Criminal Procedure Code to issue a direction staying all further proceedings in C.C.No.85 of 2012 pending on the file of the Learned Judicial Magistrate No.1, Nagercoil till the disposal of the civil suit in O.S.No.407 of 2010 pending on the file of Additional Sub Judge, Nagercoil.

For Petitioner

: Mr.N.Dilip Kumar

For R1

: Mrs.S.Prabha

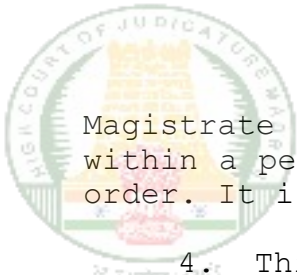
Government Advocate (crl. Side)

ORDER

Admittedly, as against the petitioner, a civil suit in O.S.No.407 of 2010 is pending. In the civil suit, a comprehensive prayer was sought for by the defacto complainant in the present case. Incidentally, a complaint has been registered on 13.03.2014 against the petitioner. After the complaint, investigation was done and the case is taken on file in C.C.No.85 of 2012 on the file of the learned Judicial Magistrate No.1, Nagercoil. Now, the present petition has been filed seeking stay of all further proceedings in the pending criminal case till the civil suit is disposed of.

2. The learned counsel for the petitioner submitted that the civil suit is reached the trial stage. A direction was issued by this court to dispose of the suit by the end of December 2015. Therefore, the criminal case will have to be stayed, as under Section 43 of the Indian Evidence Act, the Judgment of the civil Court is a relevant factor.

3. The nature of evidence in both the civil and criminal cases are different. In the civil court what is required is preponderance of probabilities, whereas in a criminal case, it has to be established beyond reasonable doubt. Decision of the civil suit is only a piece of evidence. Therefore, this Court is not inclined to allow the prayer sought for. However, a direction is issued to the learned Judicial



Magistrate No.I, Nagercoil to dispose of the case in ****C.C.No.85/2012** within a period of nine months from the date of receipt of a copy of this order. It is made clear that the proceedings shall go on.

4. This Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

sd/-

Assistant Registrar (per.Admn)

****Paragraph No.3 is corrected**

as per order of this Court

dt.01.09.2015 by RMJ /True Copy/

Sub Assistant Registrar

rj2

To

(To be substituted for the order already despatched on 31.07.2015)

1.The Deputy Superintendent of police,
District Crime Branch,
Kanyakumari District.

2.The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Judicial Magistrate No.I,
Nagercoil.

+one CC to Mr.N.Dilipkumar Advocate SR.No.51099

Cr1.O.P. (MD) No.10548 of 2015

Dated: 14.07.2015

GJM- 28.07.2015

2P/5C

AA/09.09.2015/2p-5c (Corrected Order)