



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Criminal Original Petition (MD).No.3957 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

1.Nellai Kumar

2.Mariappan

... Petitioners/Accused 1 & 3
Vs.

1.State rep. by the

Inspector of Police,

Sivakasi Town Police Station,

Virudhunagar District.

... Respondent/Complainant

2.Saravanan

... Respondent/defacto
complainant

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in relating to the impugned proceedings in C.C.No.21 of 2014 on the file of the Learned Judicial Magistrate, Sivakasi and quash the same with regard to the petitioners.

For Petitioners : Mr.A.Sivaji

For R1 : Mr.K.Anbarasan

Govt. Advocate (Crl.side)

O R D E R

The petitioner approaches this Court with a prayer to call for the records in relating to the impugned proceedings in C.C.No.21 of 2014 on the file of the Learned Judicial Magistrate, Sivakasi and quash the same with regard to the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the State.

3.Mere pendency of the Civil suit, cannot be a bar in registering the criminal complaint, provided, if an offence is made out. This Court is also cannot be going to the facts of the case, at this stage.



4. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected M.P.(MD) Nos.1 & 2 of 2015 are also closed. However, all the issues are left open to be raised before the Court below. Considering the submission made, personal appearance of the petitioners before the Court below is dispensed with until and unless the same is required. Learned Judicial Magistrate, Sivakasi is directed to dispose of C.C.No.21 of 2014 within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Sivakasi
2. The Chief Judicial Magistrate, Virudhunagar at Srivilliputhur
3. The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. A. Sivaji, Advocate Sr.No.18322

am

AA/27.04.2015/2p- 6c/

Cr1.O.P. (MD) No.3957 of 2015
10.04.2015