

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1242 of 2016

and Crl.M.P.Nos.558 & 559 of 2016

1.M.Anandan

2.T.Nachimuthu Gounder

3.N.Mahalingam

4.T.Narayanasami

... Petitioners

Vs

M.R.Palanisami

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in C.C.No.247 of 2009 pending trial before the learned Judicial Magistrate at Palladam and quash the same.

For Petitioners : Mr.S.Suresh

ORDER

The present criminal original petition has been filed to call for the records pertaining to the proceedings in C.C.No.247 of 2009 pending trial before the learned Judicial Magistrate at Palladam and quash the same.

2. In view of the limited order going to be passed hereunder, this Court is of the opinion that there is no need to issue notice to the respondent.

3. Based on the private complaint preferred by the respondent herein as against the petitioners under Section 200 Crl.P.C. before the learned Judicial Magistrate, Palladam, a case has been registered in C.C.No.247 of 2009 as against the petitioners for the alleged offence punishable under Sections 120(B), 419, 447, 466, 468 and 471 I.P.C. To quash the same, the present criminal original petition has been filed.

4. Learned counsel appearing for the petitioners submitted that a perusal of the documents filed by the

respondent would prove that none of the offence is made out. Further, he has submitted that the matter is in the part-heard stage and P.W.3 is in the witness box.

5. Since the matter is in part-heard stage, at this stage, this Court is not inclined to quash the petition. Hence, the criminal original petition is dismissed. Consequently, connected miscellaneous petition are closed.

6. However, the learned counsel appearing for the petitioners made a request for dispensing with the personal appearance of the petitioners before the trial Court, since they are aged about 50 years, 92 years, 60 years and 64 years respectively. But, this Court is not inclined to give any positive direction. However, the petitioners are at liberty to file appropriate application before the learned Judicial Magistrate at Palladam and on filing such application, the learned Judicial Magistrate at Palladam is directed to consider the same and pass appropriate orders. The learned Judicial Magistrate at Palladam is also directed to expedite the trial of the case in C.C.No.247 of 2009 and dispose of the same, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

sd/-

Assistant Registrar (Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

sbi

To

1.The Judicial Magistrate
Palladam.

+1 CC to MR.S.Suresh Advocate. SR.NO.3546

Cr1.O.P.No.1242 of 2016

CO-SK

JD 02/02/2016