

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.25459 of 2016

1.S.Naveen Krishna
2.S.Andalamma
3.R.Vivekananda
4.R.Sathyanarayana
5.R.Narayana

Petitioners

vs.

A.Ilango

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to direct the learned Judicial Magistrate Court No.1, Krishnagiri to dispose of Crl.M.P.No.1636/2015 in C.C.No.19/2014 pending on the file of Judicial Magistrate Court-I, Krishnagiri.

For petitioners Mr.SP.Srinivasan
ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate Court No.1, Krishnagiri to dispose of Crl.M.P.No.1636/2015 in C.C.No.19/2014 pending on the file of Judicial Magistrate Court-I, Krishnagiri.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that, on the complaint lodged by Ilango, the respondent police registered a case in Cr.No.472 of 2013 and after completing the investigation, has filed a Closure Report before the Judicial Magistrate No.I,

Krishnagiri. Aggrieved by the Closure Report, Ilango is said to have filed a protest application. After receipt of notice in the protest application, the petitioners have filed Crl.O.P.No.7615 of 2014 and have obtained stay in M.P.No.1 of 2014 on 04.04.2014 and the stay is said to continue. While so, it is stated by the learned counsel for the petitioners that the Judicial Magistrate No.I, Krishnagiri, was insisting for the presence of the petitioners/accused and therefore, they had filed a petition in Crl.M.P.No.1636 of 2015 u/s 205 Cr.P.C. and the same is pending from May 2015 onwards.

4. In the considered opinion of this Court, when the

entire proceedings in C.C.No.19 of 2014 has been stayed by this Court in M.P.No.1 of 2014 in Crl.O.P.No.7615 of 2014 on 04.04.2014, the learned Magistrate cannot obviously deal with Crl.M.P.No.1636 of 2015. It is open to the petitioners/accused to file petitions u/s 317 Cr.P.C. on the dates of hearing before the Judicial Magistrate No.1, Krishnagiri.

With the above observation, this petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gms

To

1 Judicial Magistrate Court No.1,
Krishnagiri.

2 The Public Prosecutor
High Court, Madras.

+ 2ccs to M/s. SP. Srinivasan, Advocate Sr.68456

NR1 (CO)
EU 15.12.16

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सत्यमेव जयते

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