



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

Crl.O.P(MD)No.11357 of 2016

and

Crl.M.P. (MD)Nos.5538 and 5539 of 2016

1.Gopalakrishnan

2.Pirabhu

.. Petitioners/A1 and A2

Vs.

1.The State rep. by
the Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.219 of 2012)

.. 1st respondent/ Complainant

R.Vignesh (died)

.. Defacto complainant

2.Vayilmuthu

.. 2nd respondent/ Witness No.2

PRAYER:Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining to FIR in Crime No.124 of 2015 on the file of the first respondent herein and quash the same.

For Petitioner :Mr.S.Saravanakumar

For 1st respondent :Mr.K.V.Rajarajan,
Govt. Advocate(Crl. Side)

For 2nd respondent : Mr.A.Amarnath

ORDER

This petition has been filed seeking to quash the proceedings, which has been registered under Sections 338, 176, 420, 294(b) and 506(ii) IPC and has been taken on file in C.C.No.27 of 2013.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The defacto complainant is the son of the second respondent. It is stated that the defacto complainant was working in the



petitioners' quarry from 01.01.2012 and that on 01.07.2012 he was taken for an urgent work and during that time, he sustained injury for which treatment was given and that after some time, he met with an accident and died.

4.The learned counsel appearing for both sides submitted that the matter has been settled between the parties and the second respondent, who is the main witness after the death of the defacto complainant, will not depose anything against the petitioners herein.

5.The learned Government Advocate appearing for the first respondent would submit that already summons have been issued for the witnesses 1 to 8 to appear on 29.08.2016.

6.Under such circumstances, the remedy open to the petitioners is either to file a petition under Section 320 Cr.P.C. before the trial Court or to face the trial subject to the decision being taken by the trial Court on merits. In the event of the trial being proceeded with, the trial Court is directed to complete the trial within a period of two weeks from the date of receipt of a copy of this order.

7.This Criminal Original Petition is accordingly disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1 The Judicial Magistrate, Melur, Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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

+1CC to M/S.R.Amarnath, Advocate, SR.No. 45855

+1CC to M/S.S.Saravanakumar, Advocate, SR.No. 45854

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