



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2016

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.(MD) No.3455 of 2011

and

M.P.(MD).Nos.1 & 2 of 2011

1.Mohanthambirajan
2.Thangagurunathan
3.Shankar
4.Raja Muthukrishnan

... Petitioners/A1 to A4

-vs-

Kannan

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the case in C.C.No.253 of 2010 on the file of the Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur and quash the same.

For Petitioners : Mr.S.Ramasamy

For Respondent : Mr.M.Jothibasu

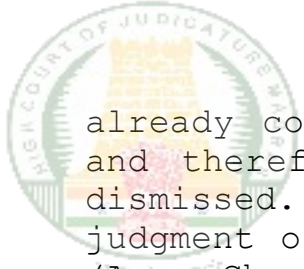
O R D E R

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.253 of 2010 on the file of the Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.

2.The respondent herein has filed a private complaint against the petitioners herein in S.T.C.No.1449 of 2009 on the file of the learned Judicial Magistrate No.I, Srivilliputhur and the same was taken cognizance in C.C.No.253 of 2010 for the alleged offences under Sections 120(b), 379, 294(b), 506(i) and 466 IPC. Challenging the same, the petitioners have come up with this Petition.

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

3.Today, when the matter was taken up for hearing, the learned counsel appearing for the respondent submitted that the trial has



already commenced in this case and three witnesses were examined and therefore, this Criminal Original Petition is liable to be dismissed. In support of his contention, he has relied on the judgment of the Hon'ble Supreme Court reported in AIR 1973 SC 799 (Amar Chand Vs. Shanti Bose), wherein the Hon'ble Supreme Court has held that after the commencement of the trial before the trial Court, the proper course to be adopted by the High Court is to allow the proceedings to go on and to come to its logical conclusion, one way or the other, and decline to interfere with those proceedings.

4. Since it is stated that the trial has already been commenced in this case and three witnesses were examined by the trial Court, this Court is of the view that this Criminal Original Petition is liable to be dismissed and accordingly, dismissed, leaving it open to the petitioners to raise all the points raised in this petition before the trial Court. Consequently, connected miscellaneous petitions are also dismissed.

Sd/
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Virudhunagar District,
Srivilliputhur.

+1cc to Mr.G. Marimuthu, Advocate, in SR No.81489.
+1cc to Mr. S.Ramasamy, Advocate, in SR No.81469.

Gcg
Js/ss2/ksm/19/01/2017/2p-4c

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