

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2017

CORAM : THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

Crl.OP.No.19218 of 2010
and M.P.Nos.1 & 2 of 2010

1.P.K.Krishnan
2.K.Anandan
3.Magesh
4.Thangarajan ... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
Sevnapettai Police Station,
Salem.
(Crime No.539/2010)
2.S.Duraiswamy
(R2 impleaded as per order of this Court
dated 10.1.2011 in MP.No.3 of 2010
in Crl.OP.No.19218 of 2010) ... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.114 of 2010 on the file of the Judicial Magistrate Salem-III and to quash the same.

For Petitioners :Mr.P.B.Sampath Kumar
For Respondent :Mr.B.Ramesh Babu [for R1]
R2 - No appearance

ORDER

The petitioners were the accused in Crime No.539 of 2010 on the file of the Sevnapettai Police Station, Salem. The case was registered under Sec. 294(b) and 506(ii) IPC., After investigating into the matter, the first respondent police has registered his final report and the trial Court has taken cognizance of the same. Seeking to quash the charge sheet of the four accused, the petitioners/accused have come forward before this Court with the present petition. During the pendency of this petition, the petitioners have filed petitions for discharge before the concerned Magistrate Court and the same is pending.

2. In view of the fact that the petitioners have also opted to move the Magistrate Court to obtain in effect the relief similar to the one which is sought here, the Court considers that it would be appropriate for the petitioners to prosecute their respective petitions seeking discharge from the offences they are accused of. Therefore, this petition is dismissed. However, the learned Judicial Magistrate No.III, Salem in whose file the petition is currently pending is directed to dispose of all the discharge petitions filed by the petitioners herein (accused in C.C.No.114 of 2010) on or before 28.03.2017. The petitioners are exempted from appearing before the trial court unless their presence is required specifically by the Magistrate for any purpose concerned with any enquiry or trial of the case. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ds
To:

1.The Judicial Magistrate No.III,
Salem.

2.The Inspector of Police,
Sevvapettai Police Station,
Salem.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Ravibharathi, Advocate Sr.13901

WEB COPY

Cr1.OP.No.19218 of 2010

ks[co]
srg 16/03/2017