



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

CORAM

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

WEB COPY

Crl.O.P.(MD) No.3056 of 2017
and Crl.M.P.Nos. 2320 and 2321 of 2017

Anand

... Petitioner

-vs-

1.State rep. by

Inspector of Police,
All women Police Station,
Karaikudi, Sivagangai District

2.Rakkammal

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.159 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi, as against the petitioners and quash the same.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.A.P.Balasubramani for R1
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to quash the case in C.C.No.159/2016 on the file of Judicial Magistrate, Fast Track Court, Karaikudi.

2.Ms.Geethalakshmi, Sub Inspector of Police, All Women Police Station, Karaikudi, is present before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the first respondent.

4.On the complaint lodged by the 2nd respondent, the first respondent registered a case in Crime No.12/2014 and after completing the investigation, filed a chargesheet before the Principal District Munsif cum Judicial Magistrate, Karaikudi, which was taken on file as C.C.No.325/2015 for offences under Sections 417, 420, 493, 506(i) IPC against the petitioner herein, challenging which, the petitioner filed Crl.O.P.(MD) No.5507/2016 before this Court and this Court by order dated 31.03.2016 admitted the quash petition and granted interim stay and dispensed with the personal appearance of the petitioner before the District Munsif cum Judicial Magistrate, Karaikudi. Thereafter, on the

<https://hcservices.courts.gov.in/hcservices/> Chief Judicial Magistrate, C.C.No.325/2015 has been transferred to the Judicial Magistrate, Fast Track Court, Karaikudi and has been renumbered by the learned Judicial



Magistrate as C.C.No.156/2016. Now, it is represented that the learned Judicial Magistrate, Fast Track Court, Karaikudi, has taken up the trial in C.C.No.159/2016 and is insisting upon the petitioner/accused to be present before the Court.

5. The learned Government Advocate, on instructions, submitted that the case has been posted to 28.03.2017 for appearance of witnesses L.Ws.1 to 3 and summons have also been issued. Under such circumstances, the petitioner is once again before this Court by filing this petition for quashing the prosecution in C.C.No.159/2016 ie., pending on the file of the Judicial Magistrate, Fast Track Court, Karaikudi.

6. In the considered opinion of this Court, this quash application is not at all necessary for the simple reason that this Court had already stayed the case, while it was C.C.No.325/2015. The Judicial Magistrate, Fast Track Court, Karaikudi is directed not to proceed with the trial in C.C.No.159/2016 (old C.C. No.325/2015) till the disposal of CrI.O.P.(MD) No.5507/2016.

7. The petitioner is also directed to appear before the Judicial Magistrate, Fast Track Court, Karaikudi and execute a fresh bond under Section 88 Cr.P.C., for Rs.10,000/- (Rupees ten thousand only) without sureties giving his correct address and other details. He shall give an undertaking that in the event of CrI.O.P.(MD) No.5507/2016 is dismissed, he should appear before the said Court without receiving summons. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate, (Fast Track Court), Karaikudi.

2 -Do-Thro' The Chief Judicial Magistrate, Sivagangai.

3.The Inspector of Police, All women Police Station,
Karaikudi, Sivagangai District

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

+1CC to M/S.K.Gokul, Advocate, SR.No. 16119

CrI.O.P.(MD) No.3056 of 2017
and CrI.M.P.Nos.2320 and 2321/2017

20.03.2017