



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2017

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THE HON'BLE MR.JUSTICE R.SUBBIAH

CrI.O.P.(MD) No.1463 of 2011
and
M.P.(MD).Nos.2 & 3 of 2011

M.Manoharan ... Petitioner/Accused

-vs-

R.Sundaram .. Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pursuant to the proceedings in S.T.C.No.994 of 2010 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the same.

For Petitioner :M/s.Laksmigopinathan

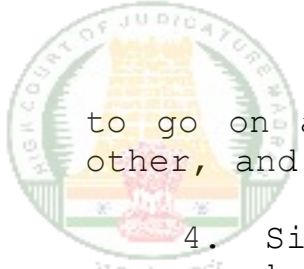
For respondent :Mr.J.Sanjey Vignesh,
for Mr.Arun @ Arunachalam

O R D E R

This criminal original petition has been filed by the petitioner/Accused seeking to quash the proceedings in S.T.C.No.994 of 2010 on the file of the learned Judicial Magistrate No.I, Virudhunagar

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The learned counsel appearing for the respondent submitted that the trial has already been commenced in this case and some of the witnesses have also been examined. Hence, 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 some of the witnesses have been 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 petitioner 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

gcg

To

The Judicial Magistrate No.I, Virudhunagar.

GJM/BS/MR/6.2.17-2p-2c

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