



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2017**

CORAM

THE HON'BLE MR.JUSTICE **R.SUBBIAH**

Crl.O.P.(MD) No.1642 of 2011

and

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

R.Senthil Raj

... Petitioner/Sole accused

-vs-

1.The State rep. by the
Inspector of Police,
Taluk Police Station,
Kumbakonam,
Tanjore District,
(Crime No.156 of 2009)

.. 1st respondent/
Complainant

2.S.Vilvanathan

.. 2nd respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.217 of 2010 on the file of the Judicial Magistrate, Kumbakonam, Tanjore District and quash the same.

For Petitioner : Mr.T.V.Sivakumar

For 1st respondent: Mr.C.Mayilvahana Rajendran,
Addl. Public Prosecutor

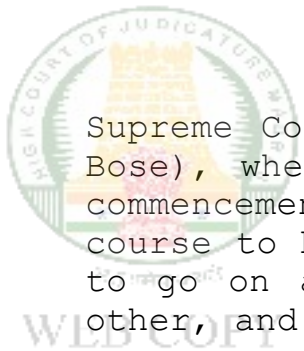
For 2nd respondent: Mr.C.Jeganathan
for M/s.Veera Associates

O R D E R

This criminal original petition has been filed by the petitioner/Accused seeking to quash the proceedings in C.C.No.217 of 2010 on the file of the Judicial Magistrate, Kumbakonam, Tanjore District.

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

3.The learned Additional Public Prosecutor appearing for the respondent submitted that the trial has already been commenced in this case and three 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 three 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(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Kumbakonam,
Tanjore District.

2.The Inspector of Police,
Taluk Police Station,
Kumbakonam,
Tanjore District,

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

+1cc to M/s.VEERA ASSOCIATES Advocate in SR. No.1077

+1cc to M/s.T.S.SIVA KUMAR Advocate in SR. No.982

GCG

JS/CM/MSA/07.02.2017/2P-6C