



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2017

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THE HON'BLE MR.JUSTICE R.SUBBIAH
Crl.O.P.(MD) No.2240 of 2011
and
M.P.(MD).Nos.2 & 3 of 2011

1.Ganesan
2.Tamil Selvam
3.Boopalan
4.Narayanan
5.Tamilarasan

... Petitioners/A1 to A5

-vs-

1.The State rep. by the
Sub Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
(Crime No.346/2009)

.. 1st respondent/ Complainant

2.S.Balasubramanian ...2nd respondent/Defacto 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.31 of 2010 on the file of the Judicial Magistrate No.I, Sivagangai, Sivagangai District and quash the same.

For Petitioners : Mr.P.T.Ramesh Raja

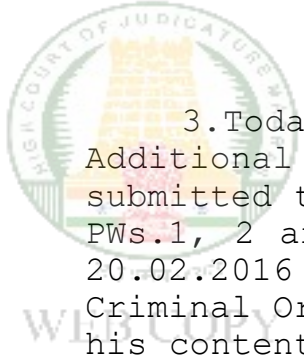
For 1st respondent : Mr.C.Mayilvahana Rajendran,
Addl. Public Prosecutor

For 2nd respondent : Mr.K.Senthilkumar

O R D E R

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.31 of 2010 on the file of the Judicial Magistrate No.I, Sivagangai, Sivagangai District.

2.The petitioners herein are the accused 1 to 5 in C.C.No.31 of 2010 on the file of the learned Judicial Magistrate No.I, Sivagangai and they are facing trial for the offences under Sections 147, 148, 341, 294(b), 427 and 506(ii) IPC. Challenging the same, the petitioners have come up with this Petition.



3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the first respondent submitted that the trial has already been commenced in this case and PWs.1, 2 and 5 have been examined and now the case is adjourned to 20.02.2016 for the examination of PWs.3, 4 and 6. 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 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(AE)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Judicial Magistrate No.I,
Sivagangai.
- 2.The Sub Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
- 3.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P.(MD) No.2240 of 2011
02.01.2017

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AM/PN/06.02.2017/2P/4C