



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.(MD) No.3274 of 2011

and

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

1.Ravi

2.Vijayalakshmi

.. Petitioners/Accused Nos.2 & 3

-vs-

1.State,

rep. by the Inspector of Police,

All Women Police Station,

Madurai South,

Madurai City.

(Crime No.3/2008)

...Respondent/Complainant

2.Ammalu

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for records of the learned Judicial Magistrate No.I, Madurai, in C.C.No.92 of 2008 and quash the proceedings as against the petitioners herein.

For Petitioners : Mr.R.Vijayakumar

For Respondent No.1: Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

For Respondent No.2: No Appearance

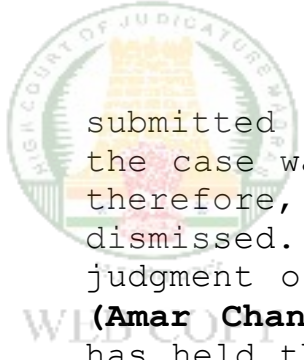
O R D E R

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.92 of 2008 on the file of the learned Judicial Magistrate No.I, Madurai.

2.The second respondent herein has lodged a complaint against the petitioners herein and the same was registered in Crime No.3 of 2008 and on completion of investigation, final report was filed and the same was taken cognizance in C.C.No.92 of 2008 on the file of the learned Judicial Magistrate No.I, Madurai for the alleged offences under Sections 498(A) and 406 IPC. Challenging the same, the petitioners have come up with this Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

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 commenced in this case and the case was posted on 10.02.2017 for examination of witnesses and therefore, 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 the case was posted on 10.02.2017 for examination of witnesses, 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(co)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai City.

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

sml

sm:SV-MMS:SAR 3:03/02/2017:2P/4C

Cr1.O.P. (MD) No.3274 of 2011
25.01.2017