



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2017

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH**Cr1.O.P.(MD) No.4481 of 2011****and****M.P.(MD).Nos.1 to 3 of 2011**

- 1.Fakrudeen
- 2.Nazar
- 3.Mohamed Arif (real name)
Arif (as per FIR)
- 4.Nasurullah
- 5.Sikkandar (real Name),
Sait (as per FIR)
- 6.Riyasdheen,
Riyas (as per FIR)
- 7.Ramzan
- 8.Syed Mohaideen (real name)
Riyas (as per FIR)
- 9.Diwan Raja
- 10.Sikkandar Badsha

... Petitioners/Accused

-vs-

- 1.The State rep. through the
Inspector of Police,
Elumalai Police Station,
Madurai District,
(Crime No.75 of 2010)

... 1st respondent/
Complainant

- 2.Mayandithevar

... 2nd respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to quash the charge sheet in C.C.No.34 of 2011 on the file of the learned Judicial Magistrate No.I, Usilampatti, in Crime No.75 of 2010 pending on the file of the respondent Police Station.



For Petitioner : Mr.S.M.A.Jinnah
For 1st respondent : Mr.C.Mayilvahana Rajendran,
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed by the petitioners/accused seeking to quash the proceedings in C.C.No.34 of 2011 on the file of the learned Judicial Magistrate No.I, Usilampatti.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3.The learned Additional Public Prosecutor appearing for the first respondent submitted that the trial has already been commenced in this case and some 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 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 petitioners to raise all the points raised in this petition before the trial Court. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I, Usilampatti.

2.The Inspector of Police,

Elumalai Police Station, Madurai District.

3.The Addl. Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

Gcg

MAS/CM-MSA/09.02.2017 : 2P/4C

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and

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