



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2017

CORAM

THE HON'BLE MR. JUSTICE R. SUBBIAH

Crl.O.P. (MD) No.6762 of 2011

and

M.P. (MD) .Nos.2 & 3 of 2011

1.Muthu

2.A.Kannan

... Petitioners/Accused 1&2

-vs-

1.State,

rep. by the Inspector of Police,

Karaikudi South Police Station,

Karaikudi,

Sivagangai District.

(Crime No.520/09).

...1st Respondent/Complainant

2.Meenakshi Sundaram

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for records pertaining to C.C.No.270 of 2009 on the file of the learned District Munsif -cum- Judicial Magistrate, Karaikudi and quash the proceedings as against the petitioners herein.

For Petitioners : No Appearance

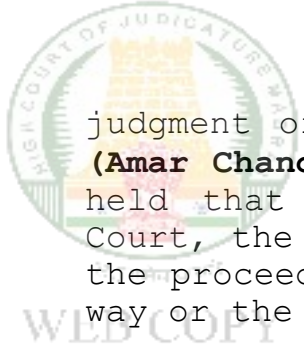
For Respondent No.1: Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.270 of 2009 on the file of the learned District Munsif -cum- Judicial Magistrate, Karaikudi.

2.The second respondent herein has lodged a complaint against the petitioners herein and the same was registered in Crime No.520 of 2009 and on completion of investigation, final report was filed and the same was taken cognizance in C.C.No.270 of 2009 on the file of the learned District Munsif -cum- Judicial Magistrate, Karaikudi for the alleged offences under Sections 294(b) 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 commenced in this case and out of seven witnesses, five witnesses have been examined 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 out of seven witnesses, five witnesses have already been examined, 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-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The District Munsif -cum- Judicial Magistrate,
Karaikudi.

2.The Inspector of Police,
Karaikudi South Police Station,
Karaikudi,
Sivagangai District.

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

+1 CC TO MR. S.DEENA DAYALAN, ADVOCATE, SR NO.11380

SML

MAS/RR:13.3.2017:2P-5C

Order made in
Cr1.O.P. (MD) No.6762 of 2011

Dated:
27.02.2017