



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

CrI.O.P.(MD) No.698 of 2011

and

M.P.(MD) .No.1 of 2011

1.Lakshmi
2.Babu
3.R.Ganesan @ Babu ... Petitioners

-vs-

1.The Deputy Superintendent of Police,
Deputy Superintendent Camp Office,
Thirupathur, Sivagangai District.

2.The Sub Inspector of Police,
Singampunari Police Station,
Sivagangai District.

3.Jeya Raman ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the order made in Na.Ka.no.01/Kaa.Thu.Ka.Thi/11, dated 12.01.2011 on the file of the first respondent and quash the same.

For Petitioners : Mr.D.Sadiq Raja

For respondents : Mr.C.Mayilvahana Rajendran,
1 & 2 Addl. Public Prosecutor

For 3rd respondent : Mr.A.K.Manickam

O R D E R

This criminal original petition has been filed seeking to quash the summon issued by the first respondent herein under Section 91 of Cr.P.C. in Na.Ka.No.01/Kaa/Thu.Ka.Thi/11, dated 12.01.2011.

2.Heard the learned counsel appearing for both sides and
<https://hcservices.mca.gov.in/hcservices/> processed the records carefully.



3. The learned Additional Public Prosecutor appearing for the official respondents submitted that the trial has already been commenced in this case and totally 12 witnesses have 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 totally 12 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 petition is also dismissed.

Sd/-

Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Deputy Superintendent Camp Office,
Thirupathur, Sivagangai District.

2. The Sub Inspector of Police,
Singampunari Police Station,
Sivagangai District.

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

+1cc jto MR.D.Sadiq Raja, Advocate Sr.No.981

gcg

sm:CM-MSA:08/02/2017:2P/5C

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05.01.2017