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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.8137 of 2016
and
Crl.MP.Nos.4251 & 4252 of 2016

1. Gopalakrishnan
2. Pitchai
3. Manikandan

...Petitioners/Accused No. 1 to 3

[2nd and 3rd petitioners are impleaded as per order of this Court, dated 11.10.2018 in Crl.MP.No.13110 of 2018 in Crl.OP.No.8137 of 2016]

Vs.

1. State rep.by
The Inspector of Police
B3, Kattur Police Station,
Coimbatore District,
Crime No.1304 of 2014.

... Respondent/Complainant

2. Elango,
S/o. Ramaiah,
7, Govindasamy Lay Out,
Krishna Nagar, Ponnaiya Rajapuram,
Coimbatore.

... Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C to call for the records with respect of the charge sheet in C.C.No.836 of 2015 on the file of the Judicial Magistrate No.II, Coimbatore and quash the same.



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For Petitioners : Mr.S.Subbiah
Senior Counsel
For Mr.Elizabeth ravi

For R1 : Mr.C.Raghavan
Government Advocate (Crl.Side)

For R2 : M/s.K.S.Karthik Raja
M.Senthil Kumar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.836 of 2015, pending on the file of the Judicial Magistrate -II, Coimbatore.

2. The learned counsel for the petitioners would submit that based on the complaint given by the petitioners, the respondent police have investigated and filed a final report against the second respondent and the same has been taken on file in C.C.No.835 of 2015 by the Judicial Magistrate -II, Coimbatore. When the final report has been filed both in the case and the counter case by the respondent police, this Court will not be able to quash one of the calender cases. Both the cases will have to be necessarily tried by the same Court. Therefore, this Court is not in a position to interfere with the proceedings in C.C.No.836 of 2015.

3. The Court below is directed to conduct simultaneous trial in C.C.Nos.835 and 836 of 2015 and shall pronounce independent Judgments on the same day. The Court below shall dispose of both the cases within a period of three months from the date of receipt of a copy of this order.

4. At this stage, the learned counsel for the petitioners would submit that the first petitioner is the practicing Advocate and therefore, his presence may be dispensed with.

5. The presence of the first petitioner is dispensed with and he shall be represented by a counsel. The first petitioner shall be present before the Court below, at the time of framing of charges, at the time of questioning under Section 313 Cr.P.C and at the time of passing of the judgment.

6. The counsel representing the first petitioner shall cross examine the witnesses on the same day when they are examined in chief. The petitioners shall not dispute the identity of any witnesses.



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7. In view of the above, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msrm/raja

To

1. The learned Judicial Magistrate -II,
Coimbatore.
2. The Inspector of Police
B3, Kattur Police Station,
Coimbatore District,
Crime No.1304 of 2014.
3. The Public Prosecutor
High Court,
Madras.

Crl.OP.No.8137 of 2016
and
Crl.MP.Nos.4251 & 4252 of 2016

spd(co)
nr 18/12/2018