

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17376 of 2010  
and M.P.No.1 of 2010

1.P.Sakunthala,  
W/o.Late.C.Palanisamy Naidu.  
2.R.Annamalai,  
S/o.Ramasamy Mudaliar.  
3.B.Nachiar,  
W/o.V.Balasubramanian. .... Petitioners/Accused

Vs.

N.A.Rajendran,  
S/o.N.Appadurai. .... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.73 of 2009 from the file of the Judicial Magistrate Court, Mettupalayam and quash the same.

For Petitioners: Mr.S.Gunalan

For Respondent : Mr.K.R.Sankaran

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WEB COPY

O R D E R

This Criminal Original Petition is filed to call for the records relating to C.C.No.73 of 2009 from the file of the Judicial Magistrate Court, Mettupalayam and quash the same.

2.The learned counsel for the petitioners submitted that as the matter is concluded in the Civil Court, he may be permitted to withdraw this Criminal Original Petition. He has also made an endorsement to the said effect.

3.The learned counsel for the respondent/complainant submits that the Civil Court had held in favour of the respondent/complainant. Even in the first appeal, the finding of the Civil Court has been confirmed. The Civil Court case is now at the stage of execution in the E.P. Petition. The petitioners are delaying the E.P. Proceedings. Hence, the Decree could not be executed, since, the case in C.C.No.73 of 2009 is pending without any progress for the past nine years, due to the pendency of the above Criminal Original Petition.

4.Further, when this Court expressed its view that the above Criminal Original Petition does not merit consideration and to be dismissed. At that stage the counsel for the petitioners resorted to withdraw the Criminal Original Petition.

5.In view of the endorsement made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn, since the matter is pending from the year 2010 without any progress. The Trial Court is directed to complete the trial expeditiously within a period of six months from the date of receipt of the copy of this order and report compliance. Consequently, the connected Miscellaneous Petition is closed.

Sd/--

Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,  
Mettupalayam.

2.The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.K.R.Sankaran Advocate SR.NO. 55390

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KGK(CO)

ASK(04/09/2018)