



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.10.2018
CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.[MD].No.18503 of 2018
and
CrI.M.P.(MD)Nos.8247 and 8248 of 2018

Kalidass : Petitioner/Accused No.5
Vs.

1.The State through
The Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District. :Respondent/De-jure Complainant

2.Pandimeenal : Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records connected with the case in C.C.No.65 of 2016 pending on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.Alagumani
For R-1 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

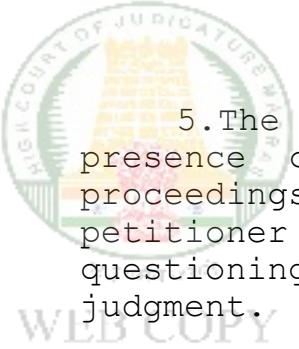
ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.65 of 2016 pending on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District.

2.The learned counsel for the petitioner would submit that there were no materials against this petitioner and this petitioner has been unnecessarily added as an accused.

3.The learned Additional Public Prosecutor would submit that specific overt act has been ascribed against this petitioner and therefore, the petitioner can raise all the issues only before the Court below in the course of trial.

4.In the facts and circumstances of the case, this Court is of the view that there are prima facie materials available as against the petitioner. Therefore, this Court cannot quash the proceedings pending before the Court below. The issues raised by the petitioner are factual in nature and the same has to be raised only during the course of the proceedings and the Court below shall consider the same on its own merits in accordance with law.



5.The learned counsel for the petitioner would submit that the presence of the petitioner may be dispensed with during the proceedings. The petitioner can be represented by a counsel and the petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing judgment.

6.It is made clear that the counsel representing the petitioner shall cross examine the witnesses on the very same day, they are examined in chief. The petitioner shall not dispute the identity of any witnesses. The C.C.No.65 of 2016 is of the year 2016, therefore, there shall be a direction to the Court below to complete the proceedings within a period of four months from the date of receipt of a copy of this order. Hence, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Judicial Magistrate,
Devakottai, Sivagangai Distric.
- 2.The Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2CC to Mr.R.Alagumani, Advocate, SR.Nos.90643,90888,

Cr1.O.P.[MD].No.18503 of 2018
and
Cr1.M.P.(MD)Nos.8247 and 8248 of 2018
12.10.2018

RMI
ES/RP/SAR 4/12.11.2018/2P/6C