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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P. (MD) .No.10386 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

T.Kalia Perumal

...Petitioner/Accused

Vs.

1.State represented by

The Sub Inspector of Police

Pappanadu Police Station

Thanjavur District

...1st Respondent/Complainant

2.S.Kothanayagi

..2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.38 of 2014 on the file of the District Munsif Cum Judicial Magistrate, Orathanadu and quash the same.

For Petitioner : Mr.P.Sesubalan Raja

For R1 : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

This quash petition is filed to call for the records in C.C.No.38 of 2014 on the file of the District Munsif Cum Judicial Magistrate, Orathanadu and quash the same.

2.The learned Additional Public Prosecutor appearing for the first respondent submitted that the trial has been commenced in this case.

3.It is seen from the records that there is an incriminating material to attract the charges as against the petitioner. Therefore, this Court finds that there is no merit in the petition to quash the case in C.C.No.38 of 2014. Hence, this Court is of the view that the grounds raised in the petition have to be gone into in a full fledged trial. Moreover, as submitted by the learned Additional Public Prosecutor, in this case, trial has been commenced. In view of the above, this criminal original petition is liable to be dismissed.

4.Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, the petitioner is at liberty to raise all the grounds before the trial Court. The personal appearance of the petitioner



before the trial Court is dispensed with, except the dates of hearing, on which, the learned Judicial Magistrate insisted upon the petitioner to appear before the Court.

Sd/

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS-II)

To

1.The District Munsif Cum Judicial Magistrate,
Orathanadu.

2.The Sub Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

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

CrI.O.P. (MD) .No.10386 of 2014
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MSA

KK/SV/SAR-2/22.10.2018/2P-4C