



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD).No.10664 of 2014
and
M.P.(MD) Nos.1 & 2 of 2014

1.K.P.N.Rajaiah
2.R.Kala Rajaiah
3.R.Muruganandam

.. Petitioners/Accused 1 to 3

Vs.

1.State rep. by its

The Inspector of Police,
Subramaniyapuram Police Station (C2),
Law and Order,
Madurai Town

.. Respondent/Complainant

2.Rathiyammal .. 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. 219 of 2013 on the file of the Judicial Magistrate Court No. IV, Madurai Madurai District and quash the same.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.K.Dinesh Babu for R1
Additional Public Prosecutor

O R D E R

This quash petition is filed to quash the criminal proceedings in C.C. No. 219 of 2013 on the file of the Judicial Magistrate No.IV, Madurai.

2.The learned counsel for the petitioner submitted that the trial has been commenced, prosecution side witnesses were already examined and the case was posted for defence side witness.

3.It is seen from the records that no ground is raised by the learned counsel for the petitioner to quash the criminal proceedings against him. The grounds raised in the petition have to be gone into in a full fledged trial. Moreover, trial has been commenced, prosecution side witnesses were already examined and the case was posted for defence side witness. At this stage, this Court is of the view that this criminal original petition is liable to be



dismissed.

4. Accordingly, this criminal original petition is dismissed. However, the learned counsel for the petitioner seeks the personal appearance of the petitioners before the trial Court may be dispensed with. Hence, considering the age of the petitioners, the personal appearance of them 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. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate No. IV, Madurai.

2. The Inspector of Police,
Subramaniyapuram Police Station (C2),
Law and Order,
Madurai Town

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

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TM

ES/SKN/RSK/SAR 4/11.10.2018/2P/4C