



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.14894 of 2015

and

MP(MD)Nos.1 & 2 of 2015

1.Arivazhagan

2.Sorna Pappa

3.Thenmozhi

... Petitioners / Accused Nos.1,3&4

Vs.

E.Kulumaiyan

... Respondent /Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.170 of 2004 before the learned Judicial Magistrate No.II, Thanjavur and quash the same.

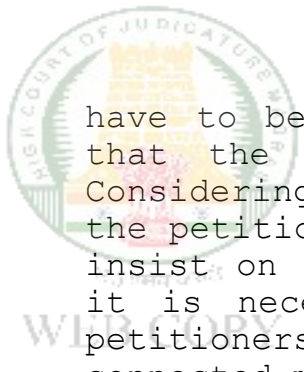
For Petitioner : Mr.K.Kumaravel

For Respondent : Mr.K.Abiya

ORDER

The petitioners herein are figuring as A1, A3 and A4 in C.C No.170 of 2004 before the learned Judicial Magistrate No.II, Thanjavur. This petition has been filed for quashing impugned proceedings. The learned counsel appearing for the petitioners points out that when the police filed the "refer charge sheet", the petitioners herein did not file any protest petition. I have already held that non filing of a protest petition will not come in the way of filing a private complaint. Therefore, I am not in a position to agree with the contention of the petitioners' counsel. That apart, it is seen that co-accused filed Crl OP(MD)No.631 of 2015. A learned Judge of this Court by order dated 10.08.2015 not only dismissed the said O.P but also gave a direction to expedite the trial.

<https://hcservices.courts.gov.in/hcservices> 2. Therefore, I am of the view that the present petition will



have to be dismissed. Hence, it is dismissed. It is made clear that the petitioners' contentions and defences are left open. Considering the age and other aspects, the personal appearance of the petitioners herein is dispensed with. The court below shall not insist on the personal appearance of the petitioners herein unless it is necessary and imperative. On all other occasions, the petitioners can be represented by their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

The Judicial Magistrate No.II, Thanjavur

+1 CC to M/s.K.ABIYA, Advocate (SR-95393[F] dated 01/11/2019)

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JMN(17.12.2019) 2P : 3C