



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P. (MD) No.1656 of 2015

and

M.P. (MD) .Nos.1 & 2 of 2015

K.Ganesa Murugan

... Petitioner / Accused No.3
Vs

1.The State

Represented by its
Inspector of Police,
All Women Police Station, Kovilpatti,
Thoothukudi District. ... Respondent / Complainant
(Crime No.3 of 2014)

2.Kalyani ...Respondent / De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in C.C.No.243 of 2014 on the file of the Judicial Magistrate Court No.I, Kovilpatti and quash the same with regard to the petitioner.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)
For R2 : No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.243 of 2014, on the file of the learned Judicial Magistrate Court No.I, Kovilpatti.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the second respondent.

3.The learned counsel appearing for the petitioner would submit that the allegations made against the petitioner is vague. He further submitted that the petitioner is the brother of the first accused and he is nothing to do the crime as alleged by the *de-facto* complainant. Therefore, he prayed for quashment of proceedings.

4.The learned Government Advocate appearing for the second respondent would submit that there are incriminating evidence as against the petitioner herein about the second marriage of the first accused. He would submit that all the grounds raised by the petitioner herein are false. He would further submit that there are specific allegations as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charge framed against the petitioner has to be gone into a full-fledged



trial and hence, he prayed for dismissal of the petition.

5. Therefore, this Court cannot entertain this Criminal Original Petition and the same stands dismissed. Therefore, all the points raised by the petitioner have to be gone into a full fledged trial.

6. At this stage, the learned counsel appearing for the petitioner requested for dispense with the personal appearance of the petitioner before the trial Court.

7. Considering the said request, the appearance of the petitioner before the learned Judicial Magistrate No.I, Kovilpatti, is dispensed with, except the dates of hearing on which, the learned Judicial Magistrate insisted the petitioner to appear before the Court.

8. Considering the year of the case, the learned Judicial Magistrate No.I, Kovilpatti, is directed to dispose of the case within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate Court No.I, Kovilpatti.

2. The Inspector of Police,
All Women Police Station, Kovilpatti,
Thoothukudi District.

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

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No.89843

CRL.O.P. (MD) No.1656 of 2015
10.10.2018

tsg

KK/RP/SAR-1/03.12.2018/2P-5C