



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.2223 of 2015

and

M.P. (MD) .No.1 of 2015

P.Meenakshi Sundaram

... Petitioner / Accused

Vs

Ibrahim Sha

...Respondent / De-facto

Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records from the learned District Munsif cum Judicial Magistrate Court, Thiruppathur in C.C.No.54 of 2011 and quash the same as it has no prima facie case against the petitioner.

For Petitioner : Mr.Ananth C.Rajesh

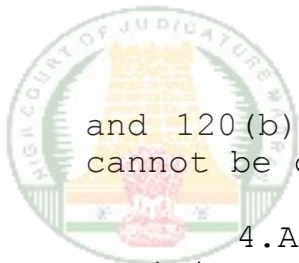
For Respondent : Mr.S.M.Sanjay

O R D E R

This petition has been filed to quash the proceedings in C.C.No.54 of 2011, on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruppathur.

2.The learned counsel appearing for the petitioner would submit that the respondent gave a complaint to the Thiruppathur Police Station against the petitioner herein and the Police registered a case against the petitioner and three others. The Thiruppathur Police had found the said complaint as false and referred the case as "mistake of fact" by filing a final report before the District Munsif cum Judicial Magistrate, Thiruppathur and the same was taken on file on 01.02.2007. Thereafter, notice was issued to the respondent herein. The respondent herein had filed his objection on 22.02.2008. The learned District Munsif cum Judicial Magistrate, Thiruppathur, directed summons to the petitioner under Section 204 of Cr.P.C. On receipt of the said referred charge sheets, the petitioner herein appeared before the learned District Munsif cum Judicial Magistrate, Thiruppathur. The said summon is under challenge in this Criminal Original Petition.

3.The grounds raised by the petitioner cannot be considered to quash the private complaint. It is the procedure that if the Police closed the case as "Mistake of Fact", thereafter, on receipt of Referred charge sheets, the complainant has no other option except to file a protest petition. The respondent rightly filed protest petition in which the learned Judicial Magistrate have taken cognizance for the offences under Sections 406, 209, 417, 420, 468



and 120(b) I.P.C, Therefore, the points raised by the petitioner cannot be considered to quash the entire proceedings.

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

5.Considering the said request, the appearance of the petitioner before the learned District Munsif cum Judicial Magistrate, Thiruppathur, is dispensed with, except the dates of hearing on which, the learned Judicial Magistrate insisted the petitioner to appear before the Court.

6.Considering the year of the case, the learned District Munsif cum Judicial Magistrate, Thiruppathur, is directed to dispose of the case within a period of six months from the date of receipt of a copy of this order.

7.In view of the above, this Criminal Original Petition stands dismissed with above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The learned District Munsif cum
Judicial Magistrate Court, Thiruppathur.

+1cc to Mr.Ananth C.Rajesh, Advocate Sr.No.89931

+1cc to Mr.S.M.Sanjay,Advocate Sr.No.89992

TSG

KM-VB/SKN/SAR1/10.12.2018/2P/4C

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