



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.3614 of 2015

and

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

Dhanavel

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Ramanathapuram,
Crime No.17 of 2014.

2. Gnanasekar

...Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records from the file of the Judicial Magistrate Court No.II, Ramanathapuram District in C.C.No.184 of 2014 and quash the same as it has no prima facie case against the petitioner.

For Petitioners : Mr.R.Srinivasan

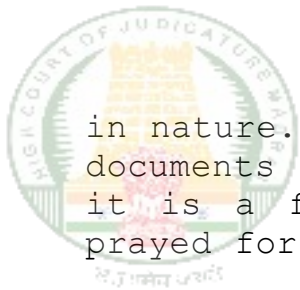
For R1 : Mr.A.P.G.OHM Chairama Prabhu
Government Advocate (Crl.Side)

For R2 : Mr.Manikandan

O R D E R

This quash petition is filed to quash the proceedings in C.C.No.184 of 2014 on the file of the Judicial Magistrate Court No.II, Ramanathapuram District.

2.The learned counsel for the petitioner would submit that except the statement of the defacto complainant no other documents have been filed to support the charges against the petitioner. He would contend that the dispute among the parties is purely civil



in nature. He further submitted that absolutely there is no other documents to prove the offence as alleged by the prosecution and it is a false case foisted against the petitioner. Hence, he prayed for allowing this petition.

3. The learned counsel for the second respondent would submit that there are specific allegations in the statement recorded under Section 161 Cr.P.C. The alleged offence is punishable under Section 420 IPC. He further submitted that only during the trial documents will be produced to prove the charge against the petitioner. Hence he prayed for dismissal of this petition.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the case is pending for appearance of the petitioner. Because of the pendency of this Criminal proceedings, the learned Magistrate is not able to proceed with the trial.

5. It is seen from the statement recorded under Section 161 Cr.P.C., there are culminating evidence to frame charges against the petitioner. As contended by the learned counsel for the second respondent it is an offence under Section 420 IPC. Therefore, all the grounds raised by the petitioner has to be tested during trial.

6. Accordingly, this Criminal Original Petition is dismissed. However, the learned Judicial Magistrate No.II, Ramanathapuram is directed to complete the trial in C.C.No.184 of 2014 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Ramanathapuram,

2. The Judicial Magistrate No.II,



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

WEB COPY

+1cc to Mr.Manikandan, Advocate Sr.No.90714

TA

MK-NM/SV/SAR2/30.11.2018/3P/5C

Cr1.O.P. (MD) .No.3614 of 2015
11.10.2018