



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2018
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD)No.6000 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

1.R.S.Subburaj
2.N.Kondusamy
3.N.Chinnachamy
4.N.Gopalasamy
5.N.Alagarsamy

... Petitioners/Accused Nos.1, 3 to 6

-Vs-

1.The State through by,
The Sub Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District. ...1st Respondent/Complainant
(Crime No.706 of 2011)

2.Gopalsamy ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying, to call for the records in C.C.No.463 of 2013 on the file
of the learned Judicial Magistrate, Sivakasi and quash the same.

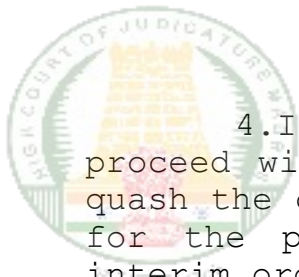
For Petitioners : Mr.K.Vinayagan
For R1 : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.463 of 2013 on the file of the learned Judicial Magistrate, Sivakasi, having taken cognizance for the offences under Sections 406, 409, 420 r/w 120(b) IPC.

2.The learned counsel appearing for the petitioners would submit that there is no averment to attract the offences as alleged by the prosecution. Further, the defacto complainant has also filed a civil suit in respect of the same issue, which is also pending. Therefore, he prays for quashment of criminal proceedings.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that this petition is simply pending without any interim order. Because of the pendency of this petition, the trial is not yet started in the trial Court.



4.It is seen from the records that there are materials to proceed with the trial. Therefore, this Court is not inclined to quash the criminal proceedings as against the petitioners. Further, for the past four years, this petition is pending without any interim order.

WEB COPY

5.In view of the above, this Criminal Original Petition is dismissed. However, considering the year of the case, this Court deem fit to direct the learned Judicial Magistrate, Sivakasi, to dispose of the case in C.C.No.463 of 2013, within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Judicial Magistrate, Sivakasi.

2.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.

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

CrI.O.P. (MD)No.6000 of 2014
and
M.P. (MD)Nos.1 and 2 of 2014
20.09.2018

MYR

ES/PM/SAR 1/29.10.2018/2P/4C