



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD) .No.8078 of 2014
and
M.P.(MD) No.1 of 2014

1.Miss.R.Sheeba
2.S.Parameswaran
3.Pushpabai
4.P.Mohandoss

...Petitioners/Accused Nos.1 to 4

Vs.

1.State represented by
The Inspector of Police
District Crime Branch
Nagercoil
Kanyakumari District

...1st Respondent/Complainant

2.Suseela

...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned proceedings in C.C.No.160 of 2013 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and to quash the same.

For Petitioners : Mr.M.R.Sreenivasan

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

For R2 : Mr.C.K.M.Appaji

ORDER

This quash petition is filed to call for the records pertaining to the impugned proceedings in C.C.No.160 of 2013 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and to quash the same.

2.The learned Additional Public Prosecutor appearing for the first respondent submitted that the trial has been commenced in this case.



4. On perusal of grounds would show that all the grounds raised by the petitioners are involved the question of facts. Therefore, the grounds cannot be considered at this stage. Hence, this Court is of the view that all the grounds raised by the petitioners can be considered only during the time of trial. Therefore, this criminal original petition is liable to be dismissed.

5. The personal appearance of the petitioners before the trial Court is dispensed with, except the dates of hearing, on which, the learned Judicial Magistrate insisted upon the petitioners to appear before the Court.

6. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioners are at liberty to raise all the grounds before the trial Court.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Inspector of Police
District Crime Branch
Nagercoil
Kanyakumari District

2. The Judicial Magistrate No. II
Kuzhithurai
Kanyakumari District

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

+1CC to Mr. M. R. Sreenivasan, Advocate, SR.No.85350

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MSA

ES/SKN/RSK/SAR 4/11.10.2018/2P/5C

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