



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.1541 of 2017

and

Cr1.M.P.(MD).Nos.1262 & 1263 of 2017

1.M/s.Blue Star Medical Company Private Limited,
Represented by its Authorized Signatory,
cum Managing Director Mr.D.Mohan,
Old No.6/2, New No.23.A, Selvavinayagar Koil Street,
Opposite to Anna Nagar Arch, Arumbakkam,
Chennai-600 106.

2.D.Mohan ... 1st & 2nd Petitioners / Accused

Vs.

S.Sethuraman ...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the original private amended complaint dated 04.08.2016, filed in S.T.C.No.369 of 2012, on the file of the Judicial Magistrate Court No.2 (FTC II), Madurai and to quash the same as illegal.

For Petitioners

:Mr.M.Udhaya Sankar

For Respondent

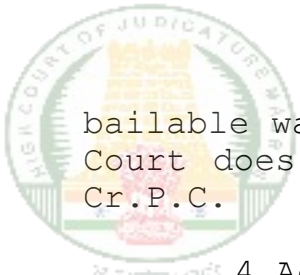
:M/s.S.Natesh Raaja

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.369 of 2012, pending on the file of the Judicial Magistrate Court No.2 (FTC II), Madurai.

2.The learned counsel appearing for the respondent would submit that in this case P.W.1 has already been examined and cross-examined and the petitioners have also been questioned under Section 313 Cr.P.C. and D.W.1 has also got into the box on behalf of the defence. Thereafter, the petitioners are not appearing before the Court below. Therefore, non bailable warrant was issued on 05.06.2017 and the same is pending till date. The learned counsel would further submit that at this stage, the petition to quash the proceedings should not be entertained by this Court.

3.This Court finds force in the arguments made by the learned [counsel appearing for the respondent](https://hcservices.ecourts.gov.in/hcservices/). The case is already at the stage of defence evidence and the petitioners are absconding and non



bailable warrant is pending from 05.06.2017 onwards, therefore, this Court does not want to exercise its jurisdiction under Section 482 Cr.P.C.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-III)

tsg

To

The Judicial Magistrate No.2 (FTC II), Madurai.

+1cc to Mr.S.Natesh Raja, Advocate in SR No.91757

Cr1.O.P. (MD) .No.1541 of 2017

NM/SV/SAR III/19.11.18/2P/3C.