



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD).No.6955 of 2018

and

Crl.M.P.(MD).Nos.3306 & 3307 of 2018

Misra Aishek

...Petitioner /Sole Accused

Vs.

1.The State

Represented by the Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

(Crime No.386 of 2012)

...Respondent / Complainant

2.Hameeda

...Respondent /De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the private complaint filed under Section 200 of Cr.P.C in C.C.No.40 of 2012, on the file of the District Munsif cum Judicial Magistrate, Ilayankudi and quash the same.

For Petitioner :Mr.R.Ramachandran

For R1 :Mr.K.Suyambulingabharathi
Government Advocate (Crl.Side).

For R2 :Hameeda
Party-in-person

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.40 of 2012, pending on the file of the learned District Munsif cum Judicial Magistrate, Ilayangudi.

2. The Quash Petition has been filed primarily on the ground that the complainant, who is the second respondent in the Criminal Original Petition, has initiated parallel proceedings with the police on the very same allegations in Crime No.386 of 2012.

3. The learned Government Advocate (Crl. side) appearing on behalf of the first respondent has produced a Closure Report dated 21.07.2012 to the effect that the case in Crime No.386 of 2012, has been closed as "Mistake of Fact". The second respondent, who is present in person submits that in the private complaint, the parties



have already been examined and the trial is at an advanced stage. Under such circumstances, the present petition to quash the private complaint in C.C.No.40 of 2012, on the file of the District Munsif cum Judicial Magistrate, Ilayankudi, is not maintainable.

4. The main ground on which the present quash petition was filed by the petitioner is no more available since First Information Report that was registered in Crime No.386 of 2012, has resulted in the Closure Report. That apart, the private complaint has already reached the stage of trial.

5. Under such circumstances, the petitioner will have to raise all the grounds before the Trial Court.

6. The factual issues that have been raised by the petitioner cannot be gone into in this Quash Petition.

7. For the reasons stated above, this Criminal Original Petition stands dismissed and the petitioner is at liberty to raise all the grounds before the Trial Court in the pending C.C.No.40 of 2012. The learned District Munsif cum Judicial Magistrate, Ilayankudi, is directed to complete the proceedings in C.C.No.40 of 2012, at the earliest and not later than a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

2.The District Munsif cum Judicial Magistrate,
Ilayankudi.(For Report compliance of the order immediately)

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

+1CC to M/s.J.Hameeda Bee, Advocate in SR.No.77613.

TSG

DS/SKN-RSK/SAR-4 :10.08.2018: 2P/5C