



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD).No.22287 of 2016

and

Crl.M.P. (MD) Nos.11562 & 11563 of 2018

Abraham

... Petitioner/Sole Accused
Vs.

1.The State represented by
Sub Inspector of Police,
Cheranmahadevi,
Tirunelveli District.

... 1st Respondent/Complainant

2.T.Jeyaraj

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the case in C.C.No.251 of 2016 on the file of learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

For Petitioner :Mr.A.R.Kannappan

For R-1 :Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

For R-2 : No appearance

O R D E R

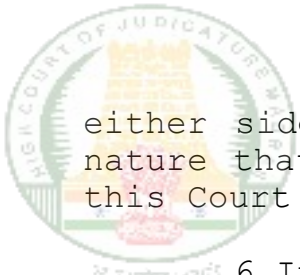
This petition has been filed seeking to quash the proceedings in C.C.No.251 of 2016, on the file of learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

2.Heard learned counsel for the petitioner and learned Government Advocate (Criminal Side) for the first respondent.

3.The learned counsel for the petitioner would submit that there is case and counter case and based on the complaint given by this petitioner, the respondent police had investigated the case and filed a final report against the second respondent in C.C.No.42 of 2015. The learned counsel would further submit that there are total contractions in the version of the witnesses, who are examined by the respondent police and the entire case is false.

4.The learned Government Advocate (Criminal Side) would submit that the counter case already ended in acquittal and this case was not tried by the Court below, in view of the order of stay granted by this Court.

5.This Court carefully considered the submission made on



either side. The grounds raised by the petitioner are factual in nature that apart in view of the counter case ending in acquittal, this Court cannot go into the factual aspects at this stage.

6. In view of the above, Criminal Original Petition is dismissed and there shall be a direction to the Court below to complete the proceedings in C.C.No.251 of 2016, within a period of three months from the date of receipt of a copy of this order. The presence of the petitioner is dispensed with and he shall be represented by the counsel before the Court below. The counsel representing the petitioner shall cross examine the witness on the very same day when they are examined in chief and the petitioner shall not question the identity of the witnesses. The petitioner shall be present before the Court below at the time of framing charges, questioning under Section 313 of Cr.P.C proceedings and at the time of passing judgment. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Judicial Magistrate,
Cheranmahadevi,
Tirunelveli District.
 - 2.The Sub Inspector of Police,
Cheranmahadevi,
Tirunelveli District.
 - 3.The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 - 4.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. 2 copies
- 1 CC TO Mr.A.R.Kannappan , ADVOCATE IN SR No. 92663.
 - LS
 - DS SKN SAR3 19 11 2018 2P 7C

Cr1.O.P.(MD).No.22287 of 2016
25.10.2018