WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.9847 of 2018
IN
CRL OP(MD) No.1723 of 2018

G.SOLAI RAJA ... PETITIONER/PETITIONER

Vs

1 STATE REP. THROUGH,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT
IN CRIME NO.40 of 2010

2 KADAR BATCHA ... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to recall the non bailable arrest warrant isused against the petitioner in C.C.NO.272/2014 passed by the learned Judicial Magistrate, Theni, on the same day of his surrender.

Prayer in CRL OP(MD). 1723/ 2018 :

To call for the records relating to the proceedings in C.C.No. 272/2014 on the file of Judicial Magistrate Theni, and quash the same against the petitioner

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.VENKATESAN, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking for a direction to the learned Judicial Magistrate, Theni to recall the warrant issued in C.C.No.272 of 2014 on the day of the surrender of the petitioner.

https://hcservices.ecourts.gov.in/hcservices/

2.The learned counsel appearing for the petitioner would submit that due to family dispute the petitioner has been arrayed as A2 in

WEB COPY

Crime No.40 of 2010 registered by the respondent police for the offence under Sections 420, 506(ii) and 120(b) IPC. He would further submit that since it was a case of false implication, the petitioner was under the impression that his name would be deleted after investigation. However, the respondent filed a final report and the petitioner has been arrayed as A2 in this case. At the time of filing final order, the petitioner had been shown as an absconding accused. The petitioner was not aware of the same.

3.The learned counsel would further submit that since it is a family dispute, some of the accused, namely, A3 to A6 have compromised the issue with the defacto complainant and based on the compromise, this Court has also quashed the proceedings in respect of A3 to A6 in Crl.O.P.(MD)No.4789 of 2012. Further at the stage of investigation, the respondent police dropped further action, for certain accused whereas the respondent police filed a final report and in the final report the petitioner has been shown as absconding accused and thereby, the learned Magistrate issued Non-Bailable Warrant.

4.The learned counsel would further submit that the petitioner filed a petition in Crl.O.P.(MD)No.1723 of 2018 seeking to quash the proceedings based on the compromise. However, due to pendency of non-bailable warrant, the petitioner is unable to bring the matter for final hearing.

5.In view of the above submission, the petitioner is directed to surrender before the Court below, within a period of two weeks from the date of receipt of a copy of this order and file a petition to recall the warrant. The learned Judicial Magistrate, Theni is directed to consider the petition and pass orders, on the same day. Accordingly, this Criminal Miscellaneous Petition is closed.

sd/-
04/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to MR.M.VENKATESAN Advocate SR.No. 22666

ORDER
IN
CRL MP(MD) No.9847 of 2018
IN
CRL OP(MD) No.1723 of 2018
Date :04/12/2018

MSI/JC/SAR-IV/20.12.2018-3P/6C

https://hcservices.ecourts.gov.in/hcservices/