



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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CRL.O.P. (MD) Nos.16731 to 16733 of 2018
and
Crl.M.P. (MD) .Nos.7400 to 7405 of 2018

CRL.O.P. (MD) No.16731 of 2018

1.Velusamy
2.N.Kennady

.. Petitioners/Accused No.1 & 2

-Vs-

1. State rep. by
The Inspector of Police,
Civil Supply Crime Investigation
Department (Food Cell)
Virudhunagar District.
(Crime No.04 of 2008)

.. 1st Respondent/Investigation Officer

2. Mr.Muniyasamy
Tahsildar,
O/o. The Tahsildar,
Sattur, Virudhunagar District.

..2nd Respondent/Defacto complainant

3. The Inspector of Police,
Erukkankudi Police Station,
Virudhunagar District. .. 3rd Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records in C.C.No.129 of 2015 on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the charge sheet and the consequential further proceedings insofar as the petitioners concerned.

CRL.O.P. (MD) No.16732 of 2018

1.Velusamy
2.N.Kennady

.. Petitioners/Accused No.1 & 2

-Vs-

1. State rep. by
The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

<https://hcservices.courts.gov.in/hcservices/>
(Crime No.08 of 2008) .. 1st Respondent/Complainant



2. Madurai Veeran
Special Tahsildar,
(Flying Squad)
District Collectorate,
Virudhunagar District.

..2nd Respondent/Defacto complainant

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Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records in C.C.No.164 of 2010 on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the charge sheet and the consequential further proceedings insofar as the petitioners concerned.

CRL.O.P.(MD)No.16733 of 2018

1.Velusamy

2.N.Kennady

.. Petitioners/Accused No.1 & 2

-Vs-

1. State rep. by

The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

(Crime No.09 of 2008) .. 1st Respondent/Complainant

2. A.C.Shanmugam

Taluk Supply Officer,
Sattur,

Virudhunagar District. ..2nd Respondent/Defacto complainant

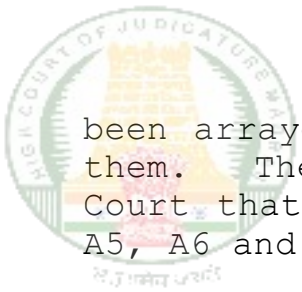
Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records in C.C.No.165 of 2010 on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the charge sheet and the consequential further proceedings insofar as the petitioners concerned.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.K.Suyambu Linga Bharathi
Government Advocate (Crl. Side)
for R1 in all petitions and for R3 in
CRL.O.P.(MD)No.16731 of 2018

ORDER

These petitions have been filed to quash the proceedings pending before the Court below. The petitioners are arrayed as A1 and A2 in all the three cases.



been arrayed as accused without there being any materials against them. The learned counsel also brought to the notice of this Court that this Court has quashed the proceedings insofar as the A5, A6 and A7 are concerned.

3. The learned Government Advocate (Crl. Side) would submit that in all the three cases the trial has commenced and already 5 witnesses have been examined. Therefore, at this stage these quash petitions could not be entertained by this Court.

4. This Court finds that the Calender cases are of the year of 2015 and 2010 and already 5 witnesses have been examined in these Cases. At this stage it will not be appropriate to entertain this quash petition. It is open to the petitioners to raise all the grounds before the Court below and the same will be considered by the Court below on its own merits. There shall also be a direction to the Court below to conclude the proceedings within a period of four months from the date of receipt of the copy of this order.

5. The learned counsel for the petitioner would submit that the presence of the petitioners may be dispensed with. Accepting the said submission the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present before the Court for answering the charges at the time of questioning under Section 313 of Cr.P.C and at the time of passing judgment. The petitioners shall be represented by an Advocate and the petitioners shall given undertaking in the form of affidavit that the counsel representing them will cross examine the prosecution witness on the day they are examined in chief. The petitioner shall not dispute the identity of the witnesses.

6. Accordingly, these Criminal Original Petitions shall stand dismissed with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate No.I, Virudhunagar

2. The Inspector of Police, Civil Supply Crime Investigation Department (Food Cell) Virudhunagar District.

<https://hcservicescourts.gov.in/services>
3. The Inspector of Police, Erukkankudi Police Station,
Virudhunagar District.



4. The Inspector of Police, Sattur Taluk Police Station,
Virudhunagar District.

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

+3cc to Mr.T.Lenin Kumar, Advocate Sr.No.85159,85158,85157

TM

VB/SKN/SAR3/10.10.2018/4P/9C

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