



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.17661 of 2018

and

Cr1.M.P.(MD) Nos.7839 and 7840 of 2018

Xaviour

: Petitioner/Accused No.1

Vs.

1.State represented by its
The Inspector of Police,
District Crime Branch,
Theni District.

(Crime No.31 of 2016) ...1st Respondent/Complainant

2.Suresh Babu ..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C.No.63 of 2018 on the file of the learned Judicial Magistrate, Theni in Crime No.31 of 2016 on the file of the first respondent police and quash the same as against the petitioner concerned.

For Petitioner : Mr.A.Uthayakumar

For R1 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

The criminal original petition has been filed seeking to quash the proceedings in C.C.No.63 of 2018 on the file of the learned Judicial Magistrate Theni.

2.The learned counsel for the petitioner relies upon certain materials in order to substantiate this case. This Court cannot consider those materials while exercising its jurisdiction under Section 482 Cr.P.C., The petitioner is at liberty to raise all the grounds before the Court below and also place all the materials in order to substantiate his case. The Court below will consider the same on its own merits and in accordance with law.

3.The learned counsel for the petitioner would submit that the presence of the petitioner may be dispensed with before the Court



below. The petitioner is given liberty to file appropriate petition before the Court below and the Court below shall consider the same in accordance with law and pass appropriate orders.

4. This criminal original petition is dismissed with the above direction. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Judicial Magistrate,
Theni

2. The Chief Judicial Magistrate, Theni.

3. The Inspector of Police,
District Crime Branch,
Theni District.

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

• 1 CC TO Mr.A.Uthayakumar , ADVOCATE IN SR No. 89015.

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