

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.5684 of 2013

and

MP.Nos.1 and 2 of 2013

G.Loganathan

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
M-1, Madhavaram Police Station,
Madhavaram, Chennai-600 060.
(Crime No.778 of 2011)

2. Murugesh ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.142 of 2012 on the file of the learned Judicial Magistrate, Thiruvottiur and quash the same.

For Petitioner : Mr. V.V.Sairam

For Respondent : Mr.R.Surya Prakasam,
Government Advocate(Crl. Side) for R1

O R D E R

This petition has been filed by the accused to quash the proceedings against him in C.C.No.142 of 2012 on the file of the Judicial Magistrate, Thiruvottiur.

2. Based on the complaint given by the second respondent, the first respondent herein has filed a charge sheet against the petitioner herein stating that the petitioner was in possession of 81 bags of crackers without permission or licence from the competent authority and hence he is liable to be punished under Section 285 of I.P.C.

3. The Private Notice which was sent to the second respondent returned as ''Door Locked''. Hence after hearing the arguments of Mr.V.V.Sairam, the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) who is appearing for the first respondent and perusing the records, order is being passed in this petition.

4. The learned counsel for the petitioner has submitted that the second respondent has stated in the complaint that the petitioner is a tenant in respect of the house bearing Door.No.441, whereas, one Sri Hari was a tenant in respect of Godown bearing Door No.46/2 and without his permission, the petitioner has stored crackers in the said Godown. He further submitted that even as per the complaint, the petitioner is not in possession of the said godown. He further submitted that the crackers were not seized from the petitioner and hence no prima facie case is made out to proceed against the petitioner under Section 280 I.P.C.

5. The learned Government Advocate(Crl.Side) who is appearing for the first respondent has submitted that already, the Trial Court has commenced the Trial and on 07.03.2018, one witness was examined on the side of the prosecution as P.W.1 and hence he requests to direct the petitioner to face the Trial and dismiss this petition.

6. Considering the fact that already Trial has been commenced and one witness was examined as P.W.1 on the side of the prosecution, this Court is of the view that at this stage, it would not be proper to interfere in the said proceedings. The Trial Court should be allowed to complete the Trial and dispose of the case in accordance with law. Accordingly, this Court is not inclined to allow this petition.

7. In the result, this petition is dismissed. It is open to the petitioner to contest the case before the Trial Court. Consequently connected miscellaneous petitions are closed.

8. Considering the fact that the case in C.C.No.142 of 2012 is pending from the year 2012, the learned Judicial Magistrate, Tiruvottiyur, is directed to expediate the Trial and dispose of the case in accordance with law within three months from the date of receipt of copy of this Order.

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Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

VV

To

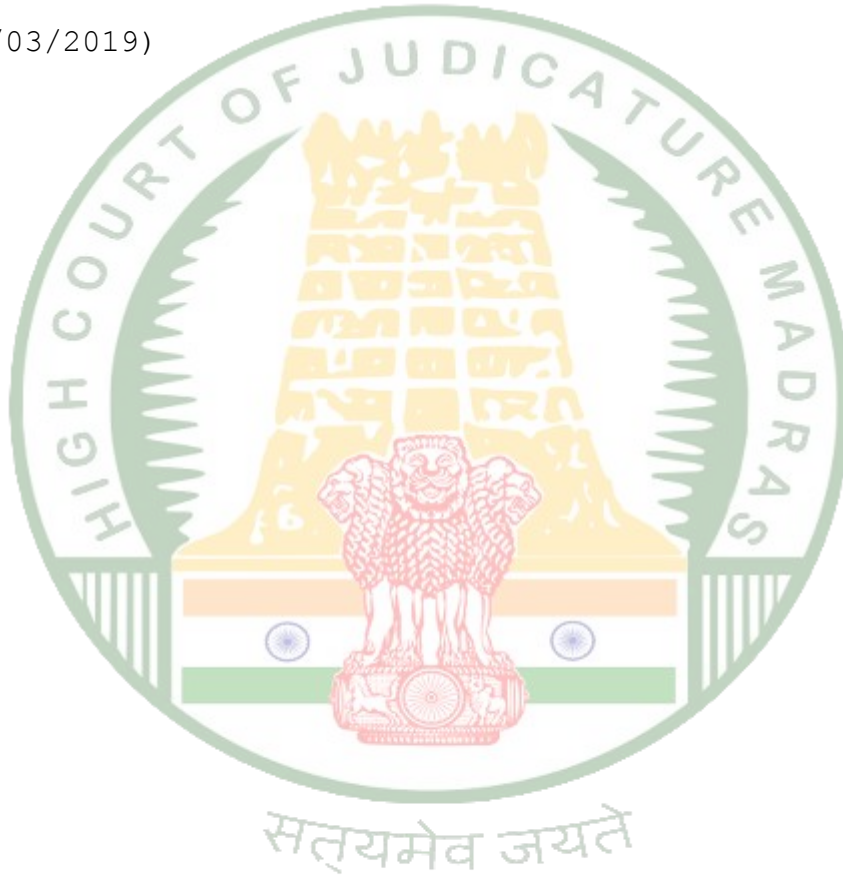
1. The Judicial Magistrate,
Thiruvottiyur

2. The Inspector of Police,
M-1, Madhavaram Police Station,
Madhavaram, Chennai-600 060.

3. The Public Prosecutor,
Madras High Court,
Chennai.

CrI.O.P.No.5684 of 2013
and
MP.Nos.1 and 2 of 2013

A.SK(01/03/2019)



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