

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.2426 of 2019
and CrI.M.P.No.1586 of 2019

M.M.Rengasamy

...Petitioner

Vs.

1.The Inspector of Police,
Central Crime Branch,
Coimbatore City,
Coimbatore District.

2.Venkateswaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records made in impugned charge sheet in C.C.No.160 of 2005 on the file of Judicial Magistrate-V, Coimbatore and quash the same as illegal.

For Petitioner : Mr.R.Sankarasubbu

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.160 of 2005 on the file of Judicial Magistrate-V, Coimbatore.

2.The learned counsel for the petitioner would submit that the petitioner had unfortunately got into the case and also tried by the defacto complainant and the same was referred under Section 161(3) of Cr.P.C. Thereafter, the respondent police investigated the matter and filed a charge sheet. The learned counsel for the petitioner submitted that the first respondent did not follow the police orders while filing the final report. Therefore, the petitioner sought for quashing the entire

proceedings in C.C.No.160 of 2005.

3.The learned Additional Public Prosecutor would submit that the same petitioner has already filed a petition before this Court in Crl.O.P.No.27059 of 2018 dated 22.11.2018 for direction to the learned Judicial Magistrate-V, Coimbatore, to try the proceedings in C.C.Nos.18 of 2003 and 160 of 2005 together and pronounce order on both the cases on the same day.

4. Considering the above facts and circumstances, this Court by an order dated 22.11.2018, directed the learned Judicial Magistrate-V, Coimbatore to conduct the trial in C.C.Nos.18 of 2003 and 160 of 2005 simultaneously and complete the trial proceedings within a period of three months from the date or receipt of a copy of this order.

5. Further, it is also seen that as per the direction of this Court, the learned Judicial Magistrate examined PW.1 to PW.4 and the trial is pending. At this stage, this Court cannot consider this petition to quash the entire proceedings in C.C.No.160 of 2005. Therefore, this Court is not inclined to entertain this petition. Hence this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is also closed.

6. The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only), as costs for wasting the judicial time, to the credit of the Chief Justice Relief Fund, High Court, Madras on or before 04.03.2019 and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-
Assistant Registrar (CCC)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

mpa/rpl

To

1. The Judicial Magistrate-V, Coimbatore

2. The Inspector of Police,
Central Crime Branch,
Coimbatore City,
Coimbatore District.

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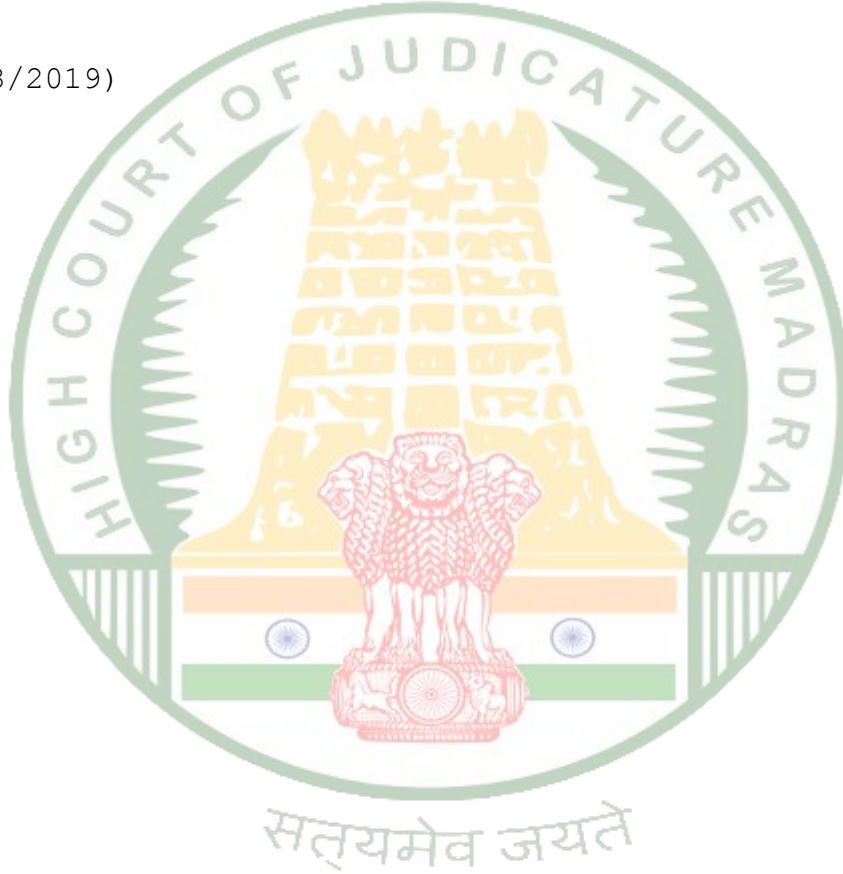
3. The Public Prosecutor,
High Court, Madras.

4. The Section Officer,
Accounts Section,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate SR.No.10422

Crl.O.P.No.2426 of 2019
and Crl.M.P.No.1586 of 2019

RR(CO)
GMY(11/03/2019)



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