

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.8229 of 2017 and
Crl.M.P.No.5905 of 2017

Thangaraj ... Petitioner

S/o Govindasamy

Vs.

1.The State represented by,
Sub Inspector of Police,
Kundadam Police Station,
Kundadam,
Tiruppur District.
(Crime No.370 of 2015) ..1st Respondent/Complainant

2.Bhuvaneswaran .. 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.45 of 2016 on the file of the Judicial Magistrate Court, Dharapuram and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
(for R1)

O R D E R

This petition has been filed challenging the proceedings in C.C.No.45 of 2016 pending on the file of the Judicial Magistrate, Dharapuram.

2.The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below

and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3.The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4.It is also seen from records that the counter case is also pending before the Court below in C.C.No.70 of 2016. Therefore, this case cannot be quashed independently and both the cases will have to be tried by the same Court.

5.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.Nos.45 and 70 of 2016, on the file of the Judicial Magistrate Court, Dharapuram, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

jas/vs

To

1. The Judicial Magistrate, Dharapuram
2. -do-Through' The Chief Judicial Magistrate,
Tiruppur
- 3.The Sub Inspector of Police,
Kundadam Police Station,
Kundadam,
Tiruppur District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate SR.No.64647

Cr1.O.P.No.8229 of 2017 and
Cr1.M.P.No.5905 of 2017

RSI(CO)
GMY(26/08/2019)