

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.Nos.22327 to 22329 of 2017

and

CrI.M.P.Nos.13090 to 13094 of 2017

1.G.Ramasamy

2.D.Bhuvaneswari

3.Kalaiselvi

...Petitioner/Accused in
CRL.O.P.No.22327 of 2017

G.Ramasamy

...Petitioner/Accused in
CRL.O.P.Nos.22328
& 22329 of 2017

Vs.

1.The Inspector of Police,
CCIW CID, Cuddalore,
Cuddalore District
(Crime No.1/2010)

...Respondent/Complainant

2.The Deputy Registrar of Cooperative Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.

...Respondent/Defacto Complainant
in all the CrI.O.P.s'

COMMON PRAYER: These Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the entire records concerned in C.C.Nos.52, 54 and 53 of 2011 respectively on the file of the Judicial Magistrate - I, Cuddalore District and quash the same.

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For Petitioner
In all the Crl.O.P.s': Mr.C.Prakasam

For R1
In all the Crl.O.P.s': Mr.C.Iyyapparaj
Additional Public Prosecutor

For R2 : Mr.Bala Ramesh
In all the Crl.O.P.s' Special Government Pleader
(Co.op)

C O M M O N O R D E R

These petitions have been filed to quash the proceeding in C.C.Nos.52, 53 and 54 of 2011, at the instant of the petitioners herein, who have been arrayed as accused 3, 24 and 26.

2. Today, when the matter is called, the learned Additional Public Prosecutor brought to the notice of this Court that earlier, the same petitioners had filed quash petitions in Crl.O.P.Nos.9113 to 9115 of 2013 and this Court, by an order dated 10.08.2017 had acceded to the request of the petitioners to withdraw the Crl.O.P.s'. There was a further direction in the said order dated 10.08.2017 to the trial Court to dispose of the said cases as expeditiously as possible and in any event not later than eight months from the date of receipt a copy of that order.

3. After the order passed on 10.08.2017, the same petitioners have now filed quash petitions on 13.10.2017, after about two months from the date of the order. An order of interim stay has also been granted by this Court in all these quash petitions.

4. When the petitioners had earlier challenged the proceeding in C.C.Nos.52, 53 and 54 of 2011 and had withdrawn the same, with liberty to file fresh quash petitions, the subsequent quash petitions cannot be maintained, unless there is some change in circumstances. In the instant case, apart from the withdrawal of Crl.O.Ps' earlier filed by the petitioner herein, there is a direction given by this Court to the trial Court to dispose of the cases within a period of eight months. While that being so, any order passed in the subsequent quash petitions may amount to defeating the directions in the earlier Crl.O.Ps' and on this ground, the second petition cannot be

maintained. Since this Court had earlier issued a direction to the trial Court to complete the proceeding within a period of eight months, the trial Court is apparently satisfied to proceed with the proceeding, in view of the liberty given to file the second quash petition.

5. Nevertheless, now that it is noticed to close the quash petitions, it would be appropriate to direct the trial Court to dispose of the proceedings in C.C.Nos.52, 53 and 54 of 2011 within a stipulated time.

In view of the forgoing reasons, I do not find any merit in the present petitions and accordingly, these criminal original petitions stand dismissed, as not maintainable. The trial Court shall endeavor to dispose of the proceedings in C.C.Nos.52, 53 and 54 of 2011 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bri

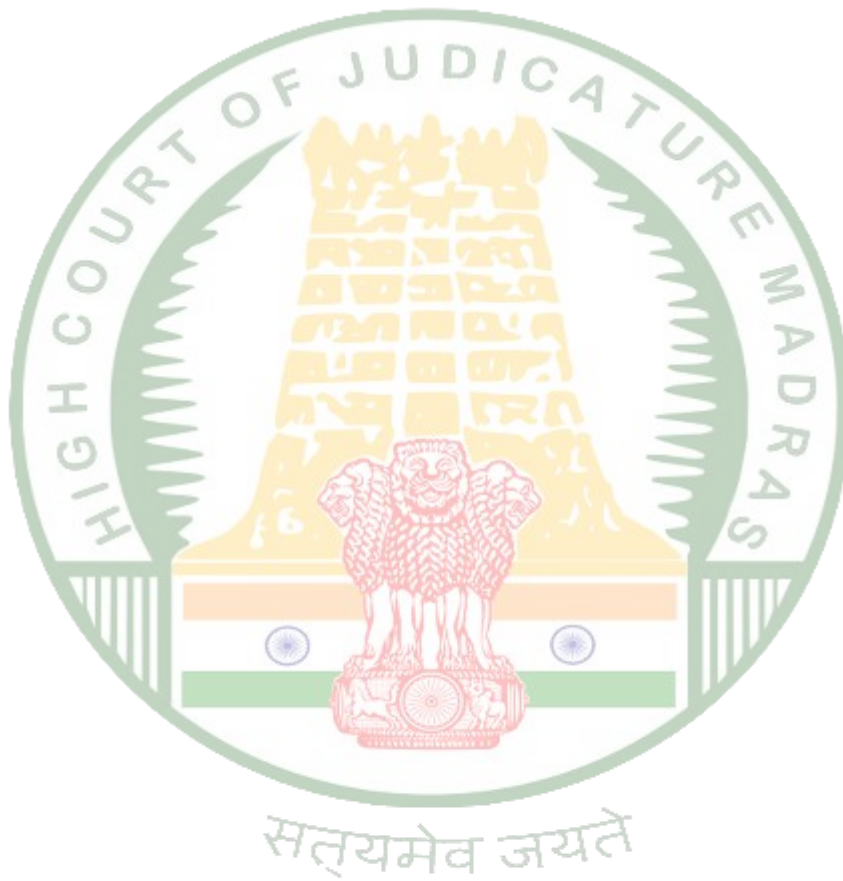
To

- 1.The Judicial Magistrate - I,
Cuddalore District.
- 2.-do-Thro Chief Judicial Magistrate Cuddalore
- 3.The Inspector of Police,
CCIW CID, Cuddalore,
Cuddalore District.
- 4.The Deputy Registrar of Cooperative Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.
- 5.The Public Prosecutor,
High Court, Madras.

+3 ccs to Mr.C.Prakasam Advocate sr82381,82382
82383

CRL.O.P.Nos.22327 to 22329 of 2017
and
Crl.M.P.Nos.13090 to 13094 of 2017

aa05/11/2019



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