



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE **N.SESHASAYEE**

Crl.O.P. (MD) No.4457 of 2018

and

Crl.M.P. (MD) Nos.2733 and 2734 of 2019

1.M.Mysool Aarib
2.N.Kajamytheen
3.R.Jaheer Hussien
4.Abdul Razak

... Petitioners/Accused No. 1 to 4

Vs.

M.Abdulkaboor

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.132 of 2013 on the file of the learned Judicial Magistrate No.1, Virudhunagar and quash the same in respect of the petitioners.

For Petitioners : Mr.G.Mariappan

For Respondent : Mr.A.P.G.OHM Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.132 of 2013 on the file of the learned Judicial Magistrate No.1, Virudhunagar

2. Heard the learned counsel appearing for the petitioners, the learned Government Advocate(Crl.side) appearing for the respondent.

3.The learned counsel for the petitioners submits that T.S.No.465/1 and few other properties belong to Jamath to which the complainant is a member and that without obtaining consent of the members the office bearers of the Jamath had fabricated some documents and also enrich themselves unlawfully. This petition is laid to quash the said criminal case.

4. The learned counsel for the petitioners submits that the last six years the complainant has examined two witnesses and the trial court has been overly indulging in granting adjournments. He also



added that the complaint on the face of it does not disclose any commission of offence and trial of the case has already been commenced. This court does not consider it appropriate to interfere with the trial at this stage. But this Court finds merits in the submission of the learned counsel for the petitioners that the trial of the case is now dragged infinitely by the complainant. The Magistrate is therefore directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected CrI.M.P.(MD) Nos. 2733 and 2734 of 2019 are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.1,
Virudhunagar
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD) No. 4457 of 2018
and CrI.M.P.(MD) Nos. 2733 and 2734 of 2019
27.03.2019

cm

PK/22.04.2019 : 2P/3C