



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Cr1.O.P. (MD) No.1036 of 2017

and

Cr1.M.P. (MD) Nos.864 and 865 of 2017

1.C.Thangavel

2.Parthiban

: Petitioners /Accused Nos.1&2

Versus

1.State rep. by

The Inspector of Police,
Sivagangai Nagar Police Station,
Sivagangai.
(Crime No.364/2014).

2.Mahalingam

: Respondents

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to S.C.No.196 of 2016 on the file of the learned Chief Judicial Magistrate, Sivagangai, Sivagangai District and quash the same.

For Petitioners : No Appearance for A-1

Mr.M.Subash Babu for A-2

For Respondent No.1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the criminal proceedings in S.C.No.196 of 2016 on the file of the learned Chief Judicial Magistrate, Sivagangai, Sivagangai District.

2. Heard the submissions made on either side.

3. The petitioners are accused Nos.1 and 2 in Crime No.364 of 2014 registered on the file of the first respondent for the offence punishable under Section 306 of the Indian Penal Code and on completion of investigation, charge sheet was filed and the same was taken on file as S.C.No.196 of 2016 by the learned Chief Judicial Magistrate, Sivagangai. Now, to quash the said criminal proceedings, the present petition has been filed.

4. Earlier, notice was ordered to the respondents.
<https://hcservices.ecourts.gov.in/hcservices/>

5. Today, when the matter was taken up for hearing, the



learned Additional Public Prosecutor appearing on behalf of the first respondent, on instructions, submitted that already trial was commenced in S.C.No.196 of 2016 and more than 9 witnesses were examined.

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6. Considering the fact that already trial was commenced in S.C.No.196 of 2016 and most of the witnesses were examined, this Court is of the view that the criminal proceedings initiated in S.C.No.196 of 2016, at this stage, cannot be quashed. Hence, this Criminal Original Petition is dismissed. However, taking into account the fact that already trial was commenced, the learned Chief Judicial Magistrate, Sivagangai, is directed to proceed with the trial in S.C.No.196 of 2016 and complete the same, within a period of two months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Chief Judicial Magistrate,
Sivagangai, Sivagangai District.
- 2.The Inspector of Police,
Sivagangai Nagar Police Station,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.SUBASH BABU, Advocate, SR.No. 68306

Order made in
Cr1.O.P. (MD) No.1036 of 2017
Dated: **11.06.2019**

SML

KK/SAR/21.06.2019/2P-5C