



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Crl.O.P. (MD) No.1259 of 2017
and
Crl.M.P. (MD) Nos.1059 and 1060 of 2017

1.Ravichandran
2.Subburaj
3.Kamatchi
4.Anbuselvi

: Petitioners /Accused Nos.1to4

Versus

1.State rep. by
The Inspector of Police,
Allinagaram Police Station,
Theni District.

(Crime No.266 of 2016).

: 1st Respondent/Complainant

2.Eswari

: 2nd Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the case in S.C.No.161 of 2016 pending before the Mahalir Fast Track Court, Theni and quash the same.

For Petitioners : Mr.A.Uthayakumar

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

For Respondent No.2 : Mr.M.Subash Babu

ORDER

This petition has been filed to quash the criminal proceedings in S.C.No.161 of 2016 pending on the file of the Mahalir Fast Track Court, Theni.

2. Heard the submissions made on either side.

3. The petitioners are accused Nos.1 to 4 in Crime No.266 of 2016 registered on the file of the first respondent under Section 174 Cr.P.C., and thereafter, it was altered into under Section 304(B) 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.161 of 2016 by the Mahalir Fast Track Court, Theni. Now, to quash the said criminal proceedings, the present petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Earlier, notice was ordered to the respondents.



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.161 of 2016 and 8 witnesses were examined.

6. Considering the fact that already trial was commenced in S.C.No.161 of 2016 and eight witnesses were examined, this Court is of the view that the criminal proceedings initiated in S.C.No.161 of 2016, at this stage, cannot be quashed. Hence, this Criminal Original Petition is dismissed.

7. However, taking into account the fact that already trial was commenced, the Mahalir Fast Track Court, Theni, is directed to proceed with the trial in S.C.No.161 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 (AE)

// True Copy //

Sub Assistant Registrar (CS)

SML

To

1. The Judge, Mahalir Fast Track Court, Theni.
2. The Inspector of Police, Allinagaram Police Station, Theni District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 CC to Mr.C.Susi Kumar, Advocate in SR.NO.68305/19

Cr1.O.P. (MD) No.1259 of 2017

Dated: 11.06.2019

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