



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P(MD).No.11888 of 2019

WEB COPY

1.Rajthilak
2.Kannan
3.Padmavathy
4.Vignesh
5.Karthik

... Petitioners/Accused 1 to 5

Vs.

R.Suriyaprabha

... Respondent / Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to the learned District Munsif Cum Judicial Magistrate, Usilampatty, Madurai District in STC.No.531 of 2018 and quash the proceedings as against the petitioners herein.

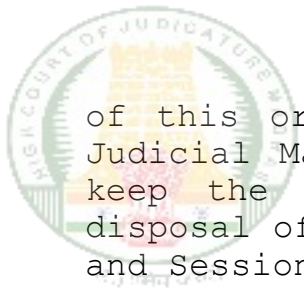
For Petitioners : Mr.V.S.Venkateshvaran
For Respondent : Mr.S.Sangeethraj

O R D E R

This petition has been filed to quash the proceedings in STC.No.531 of 2018 on the file of the learned District Munsif Cum Judicial Magistrate, Usilampatty, Madurai District as against the petitioners herein.

2. The learned counsel for the petitioner submitted that as against the order passed in D.V.O.P.No.8 of 2017 on the file of the learned Judicial Magistrate No.I, Usilampatti, the petitioners have preferred an appeal in Crl.A.No.5 of 2019 before the learned Principal Sessions Judge, Madurai and the same is pending for consideration. While, pending the appeal, the present proceedings have been initiated by the respondent to execute the order passed in D.V.O.P.No.8 of 2017, dated 23.05.2017.

3. Considering the above facts and circumstances of the case, the proceedings are rightly initiated by the respondent and as such cannot be quashed. However, the petitioners have preferred an appeal in Crl.A.No.5 of 2019 as against the order passed in D.V.O.P.No.8 of 2017, dated 23.05.2017 before the Principal Sessions Court, Madurai and the same is pending. Therefore, the learned Principal Sessions Judge is directed to dispose of the appeal in Crl.A.No.5 of 2019, within a period of three months from the date of receipt of a copy



of this order. In the meanwhile, the learned District Munsif Cum Judicial Magistrate, Usilampatty, Madurai District, is directed to keep the mater in S.T.C.No.531 of 2018 in abeyance, till the disposal of the appeal pending on the file of the Principal District and Sessions Court, Madurai.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

1.The Principal District and Sessions Judge,
Madurai.

2.The District Munsif Cum Judicial Magistrate,
Usilampatty,
Madurai District

+1CC TO MR.V.S.V.VENKATESHWARAN, Advocate Sr. No. 92256

+1CC TO MR.B.SUKUMAR, Advocate Sr. No. 92564

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16.09.2019

NS (CO)

TR(25.10.2019) 2P 5C