



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.495 of 2018

A.T.P.Senthilkumaran

... Petitioner / Complainant

-Vs-

1. K.L. Venkatachalam
2. Jeganathan
3. Varadhalakshmi
4. Shankar
5. Natarajan
6. Balaji @ Balakrishnan
7. Rajamani Ammal
8. Devika
9. Renganathan
10. Rajaram
11. Balasubramanian @ Balu

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order passed in C.C.No. 241/2015 dated 09.12.2016 passed by the Judicial Magistrate, Karaikudi, Sivagangai District.

For Petitioner	: Mr.S.Ravi
For R2 to R7,R10 & R11	: Mr.S.Sathishkumar

ORDER

This Criminal Original Petition has been filed as against the order passed in C.C.No.241 of 2015 dated 09.12.2016 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, thereby, dismissing the complaint for the reason that the complainant side evidence not ready.

2.Heard both sides.

3.It is seen that totally there are eleven accused in this case. Earlier Accused Nos.8, 10 and 11 preferred quash petition before this Court in Crl.O.P.(MD)No.6114 of 2016 and also obtained stay. At the same time, the other accused also filed Crl.O.P.(MD) Nos.942 and 6398 of 2016 and all the petitions, this Court granted stay of all further proceedings in C.C.No.241 of 2015 and all the quash petitions are pending before this Court. While being so, the learned Magistrate, without considering those aspects, mechanically dismissed the complaint for the reason that the complainant absent and they are not ready for evidence.



4.Considering the facts and circumstances of the case, the order passed in C.C.No.241 of 2015 dated 09.12.2016 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, is set aside and the learned Judicial Magistrate, Karaikudi, Sivagangai District, is directed to restore the complaint on file in C.C.No.241 of 2015. The trial Court is directed to proceed with the trial after order passed, by this Court, in quash petitions Crl.O.P.(MD) Nos.852, 6114 and 6398 of 2016.

5.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Judicial Magistrate,
Karaikudi,
Sivagangai District,

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1CC TO MR.S.SATHESH KUMAR, Advocate Sr. No.87756

+1CC TO MR.S.RAVI, Advocate Sr. No.87765

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SGS(CO)

TR(16.10.2019) 2P 6C