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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.13517 of 2015

and

MP(MD)Nos.1 and 2 of 2015

1.Manoharan

2.Ashok @ Ashok Kumar

... Petitioners / A1 and A2

**Vs.**

1.State, through

the Sub Inspector of Police,

Virudhunagar West Police Station,

in Cr.No.431 of 2015. ...1<sup>st</sup> Respondent /Complainant

2.Sundaravel

...2<sup>nd</sup> respondent / Defacto complainant

**Prayer :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.T.C No.438 of 2015 on the file of the Judicial Magistrate Court No.1, Virudhunagar and to quash the same as far as the petitioners are concerned.

For Petitioners : No appearance

For Respondents : Mr.A.Robinson,

Government Advocate (crl.side) for R1

Mr.R.Pon Karthikeyan for R2

**ORDER**

The petitioners are facing trial in STC No.438 of 2015 on the file of the Judicial Magistrate No.I, Virudhunagar for the offence under Section 294(b) IPC. The second respondent is the defacto complainant. There is a civil dispute between the defacto complainant on the one hand and the second petitioner on the other. The second petitioner is said to have behaved most disgraceful manner on the occurrence date. Interestingly, the same has been videographed also. Therefore, the materials on record are more than sufficient to come to the conclusion that the offence against the petitioners are prima facie made out.

2.There is no representation on the side of the petitioners herein. After going through the materials on record, I am satisfied that the petitioners will have to necessarily establish their innocence before the court below in a regular trial. No case is made out for invoking the inherent powers of this Court under section 482 of Cr.PC. Therefore, leaving open all the contentions and defences, this criminal original petition stands dismissed.



Connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar (CS)

Skm

To

1.The Judicial Magistrate Court No.1, Virudhunagar.

2.The Sub Inspector of Police,  
Virudhunagar West Police Station,

COPY TO: The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate ( SR-95243[F]

**CRL OP (MD) No.13517 of 2015**

**31.10.2019**

**SMA/31/01/2020/2P/5C**