



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2019**

CORAM:

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

Crl.O.P(MD) .No. 13654 of 2019

and Crl.M.P.(MD) No. 8318 & 8319 of 2019

1. Sara Bai
2. Ponnaiyan

... Petitioners/Accused Nos.1 and 2

Vs.

1.The Sub-Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.1st Respondent/Complainant

2. Pushphadhas 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in S.T.C. No.228 of 2017 pending on the file of the Judicial Magistrate No.II, Kuzhithurai and quash the same.

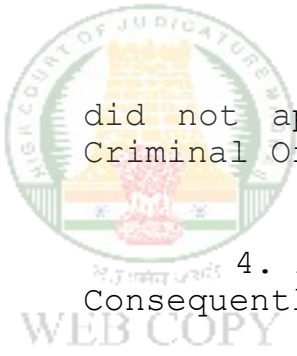
For Petitioner	:	Mr.K.P. Narayanakumar
For Respondent	:	Mr.K.Suyambulinga Bharathi
No.1		Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.T.C. No.228 of 2017 pending on the file of the Judicial Magistrate No.II, Kuzhithurai.

2. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl.Side) would submit that based on a complaint lodged by the second respondent, the first respondent police has registered a case in Crime No. 365 of 2016 for the offences under Sections 147, 447 & 427 of I.P.C. After completion of enquiry the first respondent police has filed final report charging the petitioners for the offences under Sections 447, 427 of I.P.C in the year 2016 itself the same has been taken cognizance in S.T.C. No.228 of 2017 on the file of the learned Judicial Magistrate No.II, Kuzhithurai. Thereafter, summon was issued to the petitioners and on receipt of the same. Petitioners did not appear before the trial Court. Therefore, the trial Court has issued NBW as against the petitioners and still now NBW is pending as against the petitioners.

3. In view of the above submission, in such circumstances, now the petitioners sought for quashing of entire proceedings while NBW is pending as against the petitioners. Hence, the petitioners



did not approach this Court with clean hands and therefore, the Criminal Original Petition is liable to be dismissed.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

ksa

To

1.The Judicial Magistrate No II, Kuzhithurai.

2. The Sub-Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 cc Mr.K.P.NARAYANA KUMAR ,Advocate, SR.No.89899

CrI.O.P(MD)No. 13654 of 2019

26.09.2019

_KK/SAR/18.10.2019/2P-5C/