



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.7604 of 2015

and

M.P.(MD)No.2 of 2015

WEB COPY

1.P.Saravanan

2.Kumar

3.Mookandi

4.Subramani

5.M.G.R.Palanichamy

... Petitioners/Accused 2 to 6

Vs

Marimuthu

... Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to quash the proceedings in C.C.No.174 of 2015 on the file of the Judicial Magistrate No.II, Dindigul with referred to the petitioners.

For Petitioners : Mr.R.Manoharan

For Respondent : Mr.J.Lawrance

ORDER

The petitioners are facing trial in C.C.No.174 of 2015 on the file of the Judicial Magistrate No.II, Dindigul. It is a private complaint filed against the petitioners for the offences under Sections 120(B), 294(B), 506(1) and 501(b) of IPC.

2. The case of the complainant is that the petitioners have circulated pamphlets alleging acts of misappropriation on the part of the complainant. To quash the same, this criminal original petition has been filed.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

4. I am of the view that these are not sufficient for



invoking the inherent powers of this Court. They are rather factual in nature. Therefore, without going into the merits of the matter, this criminal original petition stands dismissed, leaving it open to the petitioners to establish their innocence and defences before the Court below.

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5.Considering the facts and circumstances of the case, the personal appearance of the petitioners are dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel. It is made clear that this Court has not gone into the merits of the matter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

rmi

To

The Judicial Magistrate No.II, Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-92551[F] dated 17/10/2019)

Crl.O.P(MD)No.7604 of 2015
and

M.P. (MD)No.1 of 2015
16.10.2019

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