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CRL.O.P.(MD)No.18021 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)Nos.18021 of 2016 and

3185 of 2017 and

CRL.M.P.(MD)Nos.8966 of 2016 &

2413 & 2414 of 2017

CRL.O.P.(MD)No.18021 of 2016

Dr.Venkatesh Babu ... Petitioner/Accused (Single)
Vs.

1. The State represented by,
The Sub Inspector of Police,
Palayamkottai police station,
Tirunelveli District.
(Crime No.109 of 2015) ... Respondent/Respondent

2. Velpandian,
... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the proceedings in C.C.No.220 of 2016 pending on the file of the Judicial Magistrate No.I, Tirunelveli District and quash the same.

For Petitioner : Mr.R.Anand
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side)
For R-2 : Mr.K.Govindharajan,
for Mr.J.Senthilkumar.

CRL.O.P.(MD)No.3185 of 2017

1. J.Ramprasad
2. R.Soundrapandian ... Petitioners/Accused Nos.1&2
Vs.

1. The State represented by,
The Inspector of Police,
Palayamkottai police station,
Tirunelveli District.
(Crime No.108 of 2015) ... Respondent/Complainant

2.Venkatesh Babu ... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the proceedings in C.C.No.221 of 2016 pending on the file of the Judicial Magistrate No.I, Tirunelveli District and quash the same.



For Petitioner : Mr.K.Govindharajan,
for Mr.J.Senthilkumar.
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side)
For R-2 : Mr.R.Anand

C O M M O N O R D E R

The petitioner in Crl.O.P.(MD)No.18021 of 2016 is facing prosecution in C.C.No.220 of 2016 on the file of the Judicial Magistrate No.I, Tirunelveli.

2. The petitioner in Crl.O.P.(MD)No.3185 of 2017 is facing prosecution in C.C.No.221 of 2016 on the file of the Judicial Magistrate No.I, Tirunelveli.

3. Both the criminal original petitions are pending in the very same Court. Both these prosecutions arose out of a civil dispute between Dr.Venkatesh Babu and J.Ramprasad. J.Ramprasad is a civil contractor with whom Dr.Venkatesh Babu entered into a construction agreement.

4. This Court while allowing Crl.O.P.(MD)No.3651 of 2015 dated 25.09.2019 specifically suggested that all the criminal cases pending between the parties should be given a quietus and that the dispute between the J.Ramprasad and Dr.Venkatesh Babu should be worked out mainly before the civil Court or the consumer forum. The suggestion given by this Court was accepted by all the parties concerned.

5. Therefore, continuance of the impugned prosecutions will constitute an abuse of legal process. In this view of the matter, the impugned prosecutions stand quashed. The criminal original petitions stand allowed, accordingly. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate No.I,
Tirunelveli District.



2. The Inspector of Police, Palayamkottai Police Station,
Tirunelveli District.

3. The Sub Inspector of Police,
Palayamkottai police station,
Tirunelveli District.

4. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P.(MD)Nos.18021 of 2016 and
3185 of 2017 and
CRL.M.P.(MD)Nos.8966 of 2016 &
2413 & 2414 of 2017
18.10.2019

svn(CO)
TR(11.12.2019) 3P 5C