



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.2229 of 2017

and Crl.M.P.No.1760 of 2017

N.Jegatheesan
Managing Director
JAS Property Developers,
Door No.144/1A
Byepass Road
NH7 K.Salaipudur, Madurai.

... Petitioner/First Accused

-vs-

1.The Inspector of Police,
Austinpatti Police Station,
Thirunagar,
Thirumangalam Sub Division,
Madurai.

2.Murugan

... Respondents/Complainants

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the proceedings of C.C.No.329 of 2015 pending on the file of the Judicial Magistrate, Thirumangalam, and to quash the same in respect of this petitioner.

For Petitioner	: Mr.Babu Rajendran
For Respondent	:Mr.S.Chandrasekar for R1
	Additional Public Prosecutor
	Mr.K.Gokul for R2

O R D E R

This petition has been filed to quash the case in C.C.No.329 of 2015, on the file of the Judicial Magistrate, Thirumangalam.

2. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.



3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.329 of 2015, on the file of the Judicial Magistrate, Thirumangalam, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

RR

To

1.The Judicial Magistrate,
Tirumangalam District

2.The Inspector of Police,
Austinpatti Police Station,
Thirunagar,
Thirumangalam Sub Division,
Madurai.

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

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-89430[F] dated
26/09/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-89525[F] dated
26/09/2019)

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